

# The Gazette of India

EXTRAORDINARY

PART II—Section 2

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## LOK SABHA

The following Bills were introduced in Lok Sabha on the 7th August, 1957:—

BILL No. 70 OF 1957

*A Bill to provide for the development of Delhi according to plan and for matters ancillary thereto.*

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

- 5    1. (1) This Act may be called the Delhi Development Act, 1957. Short title, extent and commencement.  
      (2) It extends to the whole of the Union territory of Delhi.  
      (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,— Definitions.
- 10        (a) “amenity” includes road, water supply, street lighting, drainage, sewerage, public works and such other convenience as the Central Government may, by notification in the Official Gazette, specify to be an amenity for the purposes of this Act;
- 15        (b) “building” includes any structure or erection or part of a structure or erection which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;
- 20        (c) “building operations” includes rebuilding operations, structural alterations of or additions to buildings and other operations normally undertaken in connection with the construction of buildings;

(d) "development" with its grammatical variations means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in any building or land and includes redevelopment;

(e) "development area" means any area declared to be a development area under sub-section (1) of section 11;

(f) "engineering operations" includes the formation or laying out of means of access to a road;

(g) "means of access" includes any means of access whether private or public, for vehicles or for foot passengers, and includes a road;

(h) "regulation" means a regulation made under this Act by the Delhi Development Authority constituted under section 3;

(i) "rule" means a rule made under this Act by the Central Government; 15

(j) "to erect" in relation to any building has the same meaning as the expression "to erect or re-erect" in clause (5) of section 3 of the Punjab Municipal Act, 1911; and

Punjab Act  
3 of 1911.

(k) "zone" means any one of the divisions in which Delhi may be divided for the purposes of development under this Act. 20

## CHAPTER II

### THE DELHI DEVELOPMENT AUTHORITY AND ITS OBJECTS

The Delhi  
Development  
Authority.

3. (1) As soon as may be after the commencement of this Act, the Central Government shall, by notification in the Official Gazette, constitute for the purposes of this Act an authority to be called the Delhi Development Authority (hereinafter referred to as the Authority). 25

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued. 30

(3) The Authority shall consist of the following members, namely:—

(a) a chairman who shall be the administrator of the Union territory of Delhi, *ex-officio*; 35

(b) a vice-chairman to be appointed by the Central Government from amongst officers of that Government;

(c) a finance and accounts member to be appointed by the Central Government;

(d) an engineer member to be appointed by the Central Government;

(e) two representatives of the Municipal Corporation of Delhi to be selected by the councillors of the Corporation from among themselves; and

(f) the Commissioner of the Municipal Corporation of Delhi, *ex-officio*.

(4) The vice-chairman, the finance and accounts member and the engineer member shall be whole-time paid members of the Authority and shall be entitled to receive from the funds of the Authority such salaries and such allowances, if any, and governed by such conditions of service as may be determined by rules made in this behalf.

(5) A representative of the Municipal Corporation of Delhi elected under clause (e) of sub-section (3) may be paid from the funds of the Authority such allowances, if any, as may be fixed by the Central Government in this behalf.

(6) The vice-chairman, the finance and accounts member and the engineer member shall hold office during the pleasure of the Central Government.

(7) Save as provided in sub-section (8) a representative of the Municipal Corporation of Delhi shall hold office for a term of three years from the date of his election to the Authority and shall be eligible for re-election:

Provided that such term shall come to an end as soon as he ceases to be a councillor of the said Corporation.

(8) A representative of the Municipal Corporation of Delhi elected under clause (e) of sub-section (3) to fill a casual vacancy shall continue in office for the remainder of the term of the member in whose place he is elected.

(9) A member other than an *ex-officio* member may resign his office by writing under his hand addressed to the Central Government but shall continue in office until his resignation is accepted by that Government.

(10) No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy in, or defect in the constitution of, the Authority.

4. (1) The Central Government shall appoint two suitable persons respectively as the secretary and the chief accounts officer of the Authority who shall exercise such powers and perform such

Staff of the  
Authority.

duties as may be prescribed by regulations or delegated to them by the Authority or the chairman.

(2) Subject to such control and restrictions as may be prescribed by rules, the Authority may appoint such number of other officers and employees (including experts for technical work) as may be necessary for the efficient performance of its functions and may determine their designations and grades. 5

(3) The secretary, chief accounts officer and other officers and employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and such allowances, if any, 10 and shall be governed by such conditions of service as may be determined by regulations made in this behalf.

Advisory  
Council.

5. (1) The Authority shall, as soon as may be, constitute an advisory council for the purpose of advising the Authority on the preparation of the master plan and the zonal development plans and 15 generally on the planning of development of Delhi and on such other matters arising out of, or in connection with, the administration of this Act as may be referred to it by the Authority.

(2) The advisory council shall consist of the following members, namely:— 20

(a) the chairman of the Authority, *ex-officio*, who shall be the president;

(b) two persons with knowledge of town planning or architecture to be nominated by the Central Government;

(c) one representative of the Health Services of Delhi 25 administration to be nominated by the Central Government;

(d) four representatives of the Municipal Corporation of Delhi to be elected by the councillors from among themselves;

(e) three persons representing the Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water 30 Supply and Sewage Disposal Committee of the said Corporation, of whom—

(i) one shall be elected by the members of the Delhi Electric Supply Committee from among themselves;

(ii) one shall be elected by the members of the Delhi 35 Transport Committee from among themselves; and

(iii) one shall be elected by the members of the Delhi Water Supply and Sewage Disposal Committee from among themselves.



(f) three persons to be nominated by the Central Government of whom one shall represent the interests of commerce and industry and one, the interests of labour, in Delhi;

5 (g) four persons from the technical departments of the Central Government to be nominated by that Government; and

(h) three members of Parliament of whom two shall be members of the House of the People and one shall be a member of the Council of States to be elected respectively by the members of the House of the People and the members of the Council  
10 of States.

(3) The council shall meet as and when required to do so by the Authority and shall have the power to regulate its own procedure.

(4) An elected member shall hold office for a term of three years from the date of his election to the council and shall be eligible for  
15 re-election:

Provided that such term shall come to an end as soon as the member ceases to be a member of the body from which he was elected.

20 6. The objects of the Authority shall be to promote and secure the development of Delhi according to plan and for that purpose the Authority shall have the power to acquire, hold, manage and dispose of land and other property, to carry out building, engineering, mining and other operations, to execute works in connection with supply of water and electricity, disposal of sewage and other services and  
25 amenities and generally to do anything necessary or expedient for purposes of such development and for purposes incidental thereto:

Objects of the Authority.

Provided that save as provided in this Act, nothing contained in this Act shall be construed as authorising the disregard by the Authority of any law for the time being in force.

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### CHAPTER III

#### MASTER PLAN AND ZONAL DEVELOPMENT PLANS

7. (1) The Authority shall, as soon as may be, carry out a civic survey of, and prepare a master plan for, Delhi.

Civic survey of, and master plan for, Delhi.

(2) The master plan shall—

35 (a) define the various zones into which Delhi may be divided for the purposes of development and indicate the manner in which the land in each zone is proposed to be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development shall be carried out; and

(b) serve as a basic pattern of frame-work within which the zonal development plans of the various zones may be prepared.

Zonal development plans.

8. (1) Simultaneously with the preparation of the master plan or as soon as may be thereafter, the Authority shall proceed with the preparation of a zonal development plan for each of the zones into which Delhi may be divided. 5

(2) A zonal development plan shall—

(a) contain a site-plan and use-plan for the development of the zone and show the approximate locations and extents of land-uses proposed in the zone for such things as public buildings and 10 other public works and utilities, roads, housing, recreation, industry, business, markets, schools, hospitals and public and private open spaces and other categories of public and private uses;

(b) specify the standards of population density and building density; 15

(c) show every area in the zone which may, in the opinion of the Authority, be required or declared for development or redevelopment; and

(d) in particular, contain provisions regarding all or any of the following matters, namely:— 20

(i) the division of any site into plots for the erection of buildings;

(ii) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes; 25

(iii) the development of any area into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;

(iv) the erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be 30 maintained in or around buildings and height and character of buildings;

(v) the alignment of buildings on any site;

(vi) the architectural features of the elevation or frontage of any building to be erected on any site; 35

(vii) the number of residential buildings which may be erected on any plot or site;

(viii) the amenities to be provided in relation to any site or buildings on such site whether before or after the erection of buildings and the person or authority by whom or at 40 whose expense such amenities are to be provided;

- (ix) the prohibitions or restrictions regarding erection of shops, workshops, warehouses or factories or buildings of a specified architectural feature or buildings designed for particular purposes in the locality;
- 5 (x) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;
- (xi) the restrictions regarding the use of any site for purposes other than erection of buildings; and
- 10 (xii) any other matter which is necessary for the proper development of the zone or any areas thereof according to plan and for preventing buildings being erected haphazardly in such zone or area.

9. (1) In this section and in sections 10 and 11, the word "plan" means the master plan as well as the zonal development plan for a zone.

Submission of plans to the Central Government for approval.

(2) Every plan shall, as soon as may be after its preparation, be submitted by the Authority to the Central Government for approval and that Government may either approve the plan without  
 20 modifications or with such modifications as it may consider necessary or reject the plan with directions to the Authority to prepare a fresh plan according to such directions.

10. Immediately after a plan has been approved by the Central Government, the Authority shall publish in such manner as may be  
 25 prescribed by regulations a notice stating that a plan has been approved and naming a place where a copy of the plan may be inspected at a reasonable hours and upon the date of the first publication of the aforesaid notice the plan shall come into operation.

Date of operation of plans.

## CHAPTER IV

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### DEVELOPMENT OF LANDS

11. (1) As soon as may be after the commencement of this Act the Central Government after consultation with the Authority and the Municipal Corporation of Delhi, may, by notification in the Official Gazette, declare any area in Delhi to be a development area for the  
 35 purposes of this Act.

Declaration of development areas and development of land in those and other areas.

(2) Save as otherwise provided in this Act, the Authority shall not undertake or carry out any development of land in any area which is not a development area.

(3) After the commencement of this Act but before the coming into operation of any of the plans in a zone no development of land in any development area in the zone shall be undertaken or carried out by any person or body (including a department of Government) unless permission for such development has been obtained in writing from the Authority.

(4) After the coming into operation of any of the plans in a zone no development of land shall be undertaken or carried out—

(a) in any development area in the zone—

(1) by the Authority itself except in accordance with its such plans;

(2) by any person or body (including a department of Government)—

(i) except in accordance with such plans; and

(ii) unless permission for such development has been obtained in writing from the Authority;

(b) in any area other than a development area in the zone, by any person or body (including a department of Government) except in accordance with such plans.

(5) Notwithstanding anything contained in sub-sections (3) and (4) development of any land begun by any department of Government before the commencement of this Act may be completed by that department without compliance with the requirements of those sub-sections.

Application  
for permis-  
sion.

**12. (1)** Every person or body (including a department of Government) desiring to obtain the permission referred to in section 11 shall make an application in writing to the Authority in such form and containing such particulars in respect of the development to which the application relates, as may be prescribed by regulations.

(2) Every application under sub-section (1) shall be accompanied by such fee as may be prescribed by rules:

Provided that no such fee shall be necessary in the case of an application made by a department of the Government.

(3) On the receipt of an application for permission under sub-section (1), the Authority after making such inquiry as it considers necessary in relation to any matter specified in clause (d) of sub-section (2) of section 8 or in relation to any other matter, shall by order in writing, either grant the permission, subject to such conditions, if any, as may be specified in the order or refuse to grant such permission:

Provided that before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause why the permission should not be refused.

(4) Where permission is refused, the grounds of such refusal shall be communicated to the applicant in the manner prescribed by regulations.

(5) The Authority shall keep in such form as may be prescribed by regulations a register of applications for permission under this section.

(6) The said register shall contain such particulars including information as to the manner in which applications for permission have been dealt with as may be prescribed by regulations and shall be available for inspection by any member of the public at all reasonable hours on payment of such fee not exceeding rupees five as may be prescribed by regulations.

(7) Where permission is refused under this section, the applicant or any person claiming through him shall not be entitled to get refund of the fee paid on the application for permission but the Authority may, on an application for refund being made within three months of the communication of the grounds of the refusal under sub-section (4) direct refund of such portion of the fee as to it may seem proper in the circumstances of the case.

## CHAPTER V

### ACQUISITION AND DISPOSAL OF LAND

13. (1) If any land is required by the Authority for purposes of development or any other functions of the Authority under this Act, the Authority may acquire such land by publishing in the Official Gazette a notice specifying the particular purpose for which such land is required and stating that the Authority has decided to acquire the land in pursuance of this section.

Compulsory  
acquisition  
of land.

(2) Before publishing such notice, the Authority shall call upon the owner of the land and any other person who in the opinion of the Authority may be interested therein, to show cause why the land should not be acquired.

(3) After considering the cause, if any, shown by the owner of the land and by any other person interested therein and after giving such owner and person an opportunity of being heard, the Authority may pass such orders as it deems fit.

(4) When a notice under sub-section (1) is published in the Official Gazette, the land shall on and from the date of such publication, vest absolutely in the Authority free from all encumbrances.

Compensation for compulsory acquisition of land.

14. (1) Where any land is acquired by the Authority under this Act, the Authority shall pay for such acquisition, compensation the amount of which shall be determined in accordance with the provisions of this section.

(2) Where the amount of compensation can be determined by 5 agreement between the Authority and the person to be compensated, it shall be determined in accordance with such agreement.

(3) Where no such agreement can be reached, the Authority shall refer the case to the Collector for determination of the amount of compensation to be paid for such acquisition as also the person 10 or persons to whom such compensation shall be paid.

(4) Before finally determining the amount of compensation, the Collector shall give an opportunity to every person to be compensated to state his case as to the amount of compensation.

(5) In determining the amount of Compensation, the Collector 15 shall be guided by the following principles, namely:—

(a) no allowance shall be made on account of the acquisition being compulsory;

(b) the value of the land shall, subject as hereinafter provided, be taken to be the amount which the land if sold in the 20 open market by a willing seller might be expected to realise:

Provided that the Collector shall be entitled to consider all returns and assessments of capital value for taxation made or acquired in by the person to be compensated.

(c) the value of the land under clause (b) shall be deter- 25 mined on the assumption that permission for development under this Act would be granted only for development within the range of existing use of the land at the time of its acquisition and would not be granted for any other development;

(d) the special suitability or adaptability of the land for 30 any purpose shall not be taken into account if that purpose is a purpose to which it would be applied only in pursuance of statutory powers, or for which there is not a market apart from the special needs of a particular purchaser or the requirements of any department of Government or any local or public authority. 35

(e) where the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court, or is contrary to law, or is detrimental to the health of the inmates of the premises, or to

public health, the amount of that increase shall not be taken into account.

(6) For the purpose of determining the amount of compensation—

5 (a) the Collector shall have the power to require any person to deliver to him such returns and assessments as he considers necessary;

10 (b) the Collector shall also have the power to require any person known or believed to be interested in the land to deliver to him a statement containing, as far as may be practicable, the name of every other person having any interest in the land as co-owner, mortgagee, tenant or otherwise, and the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding  
15 the date of the statement.

45 of 1860.

(7) Every person required to deliver a return, assessment or statement under sub-section (6) shall be deemed to be legally bound to do so, within the meaning of section 175 and section 176 of the Indian Penal Code.

20 (8) The Collector may hear expert witnesses if it be necessary to do so in any particular case.

(9) The Collector shall be entitled to enter on and inspect any land which is the subject of proceedings before him.

25 (10) The Collector shall dispose of every case referred to him under sub-section (3) for determination of compensation as expeditiously as possible and in any case within such time as may be prescribed by rules.

(11) The Collector shall determine the amount of costs incurred in any case disposed of by him under this section, and by what  
30 persons and in what proportions they are to be paid.

15. (1) Any person aggrieved by the decision of the Collector determining the amount of compensation may within sixty days from the date of such decision appeal to the court of the district judge of Delhi.

Appeal to the district judge against decision of the Collector.

35 (2) The decision of the court of the district judge on such appeal, and subject only to such decision, the decision of the Collector determining the amount of compensation shall be final and shall not be questioned in any court.

Disputes as to apportionment of the compensation.

16. If any dispute arises as to the apportionment of compensation among persons claiming to be entitled thereto the Authority shall refer such dispute for the decision of the court of the district judge of Delhi and the decision of that court thereon shall be final.

Payment of compensation or deposit of the same in court.

17. (1) Where the amount of compensation is determined by agreement, the Authority shall pay such amount to the person or persons entitled thereto. 5

(2) Where the amount of compensation is determined by the Collector under the provisions of section 14, the Authority shall tender payment of the compensation determined to the persons entitled thereto according to such determination and shall pay to them unless prevented by some one or more of the contingencies mentioned in the next sub-section. 10

(3) If the persons entitled to compensation according to the decision of the Collector do not consent to receive it, or if there be no person competent to alienate the land or if there be any dispute as to the title to receive the compensation, the Authority shall deposit the amount of the compensation in the court of the district judge of Delhi: 15

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount of compensation: 20

Provided further that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation determined under this Act, to pay the same to the person lawfully entitled thereto. 25

Investment of the amount of compensation deposited in court.

18. Where any amount of compensation has been deposited in court under section 17, the court may either of its own motion or on the application made by or on behalf of any party interested or claiming to be interested in such amount, order the same to be invested in such Government or other approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as will, in its opinion, give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such amount has been deposited or as near thereto as may be. 30 35

Disposal of land by the Authority.

19. (1) Subject to any directions given by the Central Government under this Act, the Authority may dispose of—

(a) any land acquired by it without undertaking or carrying out any development thereon; or 40



(b) any such land after undertaking or carrying out such development as it thinks fit,

to such persons, in such manner and subject to such covenants and conditions as it considers expedient for securing the development of Delhi according to plan.

(2) The powers of the Authority with respect to the disposal of land acquired by it under this Act shall be so exercised as to secure, so far as practicable, that persons who are living or carrying on business or other activities on land so acquired shall, if they desire to obtain accommodation on land belonging to the Authority and are willing to comply with any requirements of the Authority as to its development and use, have an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them:

Provided that where the Authority proposes to dispose of by sale any land without any development having been undertaken or carried out thereon, it shall offer the land in the first instance to the persons from whom it was acquired, if they desire to purchase it subject to such requirements as to its development and use as the Authority may think fit to impose.

(3) Nothing in this Act shall be construed as enabling the Authority to dispose of land by way of gift, mortgage or charge, but subject as aforesaid reference in this Act to the disposal of land shall be construed as reference to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement right or privilege or otherwise.

20. (1) The Central Government may, by notification in the Official Gazette and upon such terms and conditions as may be agreed upon between that Government and the Authority, place at the disposal of the Authority all or any developed and undeveloped lands in Delhi vested in the Union (known and hereinafter referred to as "nazul lands") for the purpose of development in accordance with the provisions of this Act.

(2) No development of any nazul land shall be undertaken or carried out except by, or under the control and supervision of, the Authority after such land has been placed at the disposal of the Authority under sub-section (1).

(3) After any such nazul land has been developed by, or under the control and supervision of, the Authority it shall be dealt with by the Authority in accordance with rules made and directions given by the Central Government in this behalf.

(4) If any nazul land placed at the disposal of the Authority under sub-section (1) is required at any time thereafter by the

Central Government, the Authority shall, by notification in the Official Gazette, replace it at the disposal of that Government upon such terms and conditions as may be agreed upon between that Government and the Authority.

## CHAPTER VI

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### FINANCE, ACCOUNTS AND AUDIT

Fund of the  
Authority.

21. (1) The Authority shall have and maintain its own fund to which shall be credited—

(a) all moneys received by the Authority from the Central Government by way of grants, loans, advances or other- 10  
wise;

(b) all fees and charges received by the Authority under this Act;

(c) all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immov- 15  
able; and

(d) all moneys received by the Authority by way of rents and profits or in any other manner or from any other source.

(2) The fund shall be applied towards meeting the expenses incurred by the Authority in the administration of this Act and for no 20  
other purposes.

(3) The Authority may keep in current account of the State Bank of India or any other bank approved by the Central Government in this behalf such sum of money out of its fund as may be prescribed by rules and any money in excess of the said sum shall 25  
be invested in such manner as may be approved by the Central Government.

(4) The Central Government may, after due appropriation made by Parliament by law in this behalf, make such grants, advances and loans to the Authority as that Government may deem necessary 30  
for the performance of the functions of the Authority under this Act; and all grants, loans and advances made shall be on such terms and conditions as the Central Government may determine.

Budget of  
the Authori-  
ty.

22. The Authority shall prepare in such form and at such time every year as may be prescribed by rules a budget in respect of the 35  
financial year next ensuing showing the estimated receipts and expenditure of the Authority and shall forward to the Central Government such number of copies thereof as may be prescribed by rules.

Accounts and  
audit.

23. (1) The Authority shall maintain proper accounts and other 40  
relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government

may by rules prescribe in consultation with the Comptroller and Auditor General of India.

(2) The accounts of the Authority shall be subject to audit annually by the Comptroller and Auditor General of India and any expenditure incurred by him in connection with such audit shall be payable by the Authority to the Comptroller and Auditor General of India.

(3) The Comptroller and Auditor General of India and any person appointed by him in connection with the audit of accounts of the Authority shall have the same right, privilege and authority in connection with such audit as the Comptroller and Auditor General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Authority.

(4) The accounts of the Authority as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause a copy of the same to be laid before both Houses of Parliament.

24. The Authority shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed by rules, and that Government shall cause a copy of the report to be laid before both Houses of Parliament.

Annual report.

25. (1) The Authority shall constitute for the benefit of its whole-time paid members and of its officers and other employees in such manner and subject to such conditions, as may be prescribed by rules, such pension and provident funds as it may deem fit.

Pension and provident fund.

(2) Where any such pension or provident fund has been constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

19 of 1925.

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## CHAPTER VII

### SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

26. The Authority may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purpose of—

entry.

(a) making any enquiry, inspection, measurement or survey or taking levels of such land or building;

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- (b) examining works under construction and ascertaining the course of sewers and drains;
- (c) digging or boring into the sub-soil;
- (d) setting out boundaries and intended lines of work;
- (e) making such levels, boundaries and lines by placing marks and cutting trenches; 5
- (f) ascertaining whether any land is being or has been developed in contravention of the master plan or zonal development plan or without the permission referred to in section 11 or in contravention of any condition subject to which such permission has been granted; or 10
- (g) doing any other thing necessary for the efficient administration of this Act:

Provided that—

- (i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building; 15
- (ii) sufficient opportunity shall in every instance be given to enable women (if any) to withdraw from such land or building; 20
- (iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered. 25

**Penalties.**

27. (1) Any person who whether at his own instance or at the instance of any other person or any body (including a department of Government) undertakes or carries out development of any land in contravention of the master plan or zonal development plan or without the permission referred to in section 11 or in contravention of any condition subject to which such permission has been granted, shall be punishable with fine which may extend to ten thousand rupees, and in the case of a continuing offence, with further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence. 30 35

(2) Any person who obstructs the entry of a person authorised under section 26 to enter into or upon any land or building or molests such person after such entry shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. 40

28. (1) Where the erection of any building has been commenced and completed in contravention of the master plan or zonal development plan or without the permission referred to in section 11 or in contravention of any condition subject to which such permission has  
5 been granted, any officer of the Authority empowered by it in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order directing that such erection shall be demolished by the owner thereof within such period not exceeding  
10 two months as may be specified in the order, and on the failure of the owner to comply with the order, the officer may himself cause the erection to be demolished and the expenses of such demolition shall be recoverable from the owner as arrears of land revenue:

Order of demolition of building.

Provided that no such order shall be made unless the owner has been given an opportunity to show cause why the order should not  
15 be made.

(2) Any person aggrieved by an order under sub-section (1) may appeal to the Chairman of the Authority against that order within thirty days from the date thereof; and the Chairman may after hearing the parties to the appeal either allow or dismiss the appeal  
20 or may reverse or vary any part of the order.

(3) The decision of the Chairman on the appeal and subject only to such decision the order under sub-section (1), shall be final and shall not be questioned in any court.

29. (1) Where the erection of any building has been commenced  
25 as described in section 28 but has not been completed, the Authority may, in addition to any prosecution that may be instituted under this Act, make an order requiring the building operations in relation to such erection to be discontinued on and from the date of the service of the order.

Power of Authority to stop building operations.

30 (2) Any person failing to comply with an order under sub-section (1) shall be punishable with fine which may extend to two hundred rupees for every day during which the non-compliance continues after the service of the order.

(3) No compensation shall be claimable by any person for any  
35 damage which he may sustain in consequence of the discontinuance of the erection of any building.

30. (1) If the person committing an offence under this Act is a company, every person, who, at the time the offence was committed was incharge of, and was responsible to, the company for the conduct  
40 of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

5

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purpose of this section—

(a) “company” means a body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.

Fines when realised to be paid to Authority.

31. All fines realised in connection with prosecutions under this Act shall be paid to the Authority.

20

Composition of offences.

32. (1) The Authority or any person authorised by it by general or special order in this behalf may either before or after the institution of the proceedings compound any offence made punishable by or under this Act.

(2) Where an offence has been compounded, the offender, if in custody shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

Default powers of Authority.

33. (1) If the Authority after holding a local inquiry or upon report from any of its officers or other information in its possession is satisfied that the owner of any land in a development area has failed to carry out any development of the land which in the opinion of the Authority ought to be carried out or for which permission has been obtained under this Act, it may serve upon the owner a notice requiring him to carry out the development within such time as may be specified in the notice.

35

(2) If such development is not carried out within the time specified in the notice, then, the Authority may itself carry it out or have it carried out through such agency as it deems fit.

(3) All expenses incurred by the Authority or the agency employed by it in carrying out the development together with interest at such rate as the Central Government may by order fix, from the

40

date when a demand for the expenses is made until payment may be recovered by the Authority from the owner as arrears of land revenue.

34. Where any area has been developed by the Authority, the Authority may require the local authority within whose local limits the area so developed is situated, to assume responsibility for the maintenance of the amenities which have been provided in the area by the Authority and for the provision of the amenities which have not been provided by the Authority but which in its opinion should be provided in the area, on terms and conditions agreed upon between the Authority and that local authority; and where such terms and conditions cannot be agreed upon, on terms and condition settled by the Central Government in consultation with the local authority on a reference of the matter to that Government by the Authority.

Power of Authority to require local authority to assume responsibility for amenities in certain cases.

35. (1) Where as a consequence of any development having been carried out by the Authority in any area, the value of any property in that area has increased or is likely to increase, the Authority shall be entitled to levy upon the owner of the property an annual betterment charge for such term of years and at such percentage of the increase in value not exceeding ten per cent, as may be fixed by rules made in this behalf:

Power to Authority to levy betterment charges.

Provided that the aggregate amount of the charge so levied shall not exceed one-half of the maximum increase in value during the aforesaid term of years as fixed hereunder.

(2) The levy of the betterment charge shall, in respect of each property be governed by the following principles, namely:—

(a) the market value of the property on the date of commencement of the development in the area shall be estimated without any reference to that development;

(b) for each financial year succeeding the year in which the development is commenced by the Authority, its market value on the 1st of April of that financial year shall be ascertained by the Chairman of the Authority;

(c) if in any financial year the market value as ascertained under clause (b) does not exceed the market value as ascertained under clause (a), no betterment charge shall be levied on the property for that year;

(d) if in any financial year the market value as ascertained under clause (b) exceeds the market value as ascertained under

clause (a), the Authority shall levy a betterment charge on the difference between the two according to the percentage fixed by rules made in this behalf.

(3) In ascertaining the market value of a property under clause (a) or clause (b) of sub-section (2), the value of buildings or other works erected or in the course of erection on such property shall not be taken into consideration. 5

(4) The betterment charge levied under this section shall be payable in such number of instalments and each instalment shall be payable at such time as may be fixed by rules made in this behalf. 10

(5) Any arrear of the betterment charge shall be recoverable as an arrear of land revenue.

Control by  
Central Gov-  
ernment.

36. (1) The Authority shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act. 15

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by the Authority under this Act, any dispute arises between the Authority and the Central Government the decision of the Central Government on such dispute shall be final. 20

Returns and  
information

37. The Authority shall furnish to the Central Government such reports, returns and other information as that Government may from time to time require.

Service of  
notices, etc.

38. (1) All notices, orders and other documents required by this Act or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Act or such rule or regulation be deemed to be duly served— 25

(a) where the person to be served is a company if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business and is either— 30

(i) sent by registered post, or

(ii) delivered at the registered office or at the principal office or place of business of the company;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either:—

(i) sent by registered post, or



(ii) delivered at the said place of business;

(c) where the person to be served is a public body or a corporation or society or other body, if the document is addressed to the secretary, treasurer or other head officer of that body,  
5 corporation or society at its principal office, and is either—

(i) sent by registered post, or

(ii) delivered at that office;

(d) in any other case, if the document is addressed to the person to be served and—

10 (i) is given or tendered to him, or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the Union territory of Delhi or is given or tendered to some adult member of his family or is affixed  
15 on some conspicuous part of the land or building to which it relates, or

(iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed  
20 “the owner” or “the occupier”, as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served—

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

25 (b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

30 (3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property the secretary to the Authority may by  
35 notice in writing require the occupier (if any) of the property to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(6) A servant is not a member of the family within the meaning of this section.

**Public notice how to be made known.** 39. Every public notice given under this Act shall be in writing over the signature of the secretary to the Authority and shall be widely made known in the locality to be affected thereby by affixing 5 copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in local newspaper or by any two or more of these means, and by any other means that the secretary may think fit.

**Notices, etc., to fix reasonable time.** 40. Where any notice, order or other document issued or made 10 under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rule or regulation; the notice, order or other document shall specify a reasonable time for doing the same.

**Authentication of orders and documents of the Authority.** 41. All permissions, orders, decisions, notices and other documents 15 of the Authority shall be authenticated by the signature of the secretary to the Authority or any other officer authorised by the Authority in this behalf.

**Members and officers to be public servants.** 42. Every member and every officer and other employee of the Authority shall be deemed to be a public servant within the meaning 20 of section 21 of the Indian Penal Code.

45 of 1860.

**Jurisdiction of courts.** 43. No court inferior to that of a magistrate of the first class shall try an offence publishable under this Act.

**Sanction of prosecution.** 44. No prosecution for any offence publishable under this Act shall be instituted except with the previous sanction of the Authority or 25 any officer authorised by the Authority in this behalf.

**Magistrate's power to impose enhanced penalties.** 45. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any court of a 5 of 1898. magistrate of the first class to pass any sentence authorised by this Act in excess of its powers under the said section. 30

**Protection of action taken in good faith.** 46. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

**Power to delegate.** 47. The Authority may, by notification in the Official Gazette, direct that any power exercisable by it under this Act except the 35 power to make regulations may also be exercised by such officer or local authority as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

48. (1) The provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law. Act to override other laws.

(2) Notwithstanding anything contained in any other law—

5 (a) when permission for development in respect of any land has been obtained under this Act such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has not  
10 been obtained;

(b) when permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such  
15 other law for such development has been obtained.

49. Nothing in this Act shall apply to—

Savings.

(a) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;  
20

(b) the carrying out by any local authority or by any department of Government of any works for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any  
25 street or other land for that purpose;

(c) the erection of a building, not being a dwelling house if such building is required for the purposes subservient to agriculture;

(d) the erection of a place of worship or a tomb or cenotaph or of a wall enclosing a graveyard, place of worship, cenotaph or *samadhi* on land which at the commencement of this Act is occupied by or for the purpose of such worship, tomb, cenotaph, graveyard or *samadhi*;  
30

(e) the excavations (including wells) made in the ordinary course of agricultural operations; and  
35

(f) the construction of unmetalled road intended to give access to land solely for agricultural purposes.

50. (1) Where any land situated in any area in Delhi is required by the master plan or a zonal development plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of  
40 Plans to stand modified in certain cases.

ten years from the date of operation of the plan under section 10 or where such land has been so required or designated by any amendment of such plan, from the date of operation of such amendment, the land is not compulsorily acquired under the provisions of this Act or, as the case may be, of any other law relating to acquisition of immovable property, by the authority for the time being charged with the development of the area in which the land is situated, the owner of the land may serve on the authority a notice requiring his interest in the land to be so acquired. 5

(2) If the authority for the time being charged with the development of the area fails to acquire the land within a period of six months from the date of receipt of the notice, the master plan or, as the case may be, the zonal development plan shall have effect, after the expiration of the said six months as if the land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition. 15

Power to  
make rules.

51. (1) The Central Government, after consultation with the Authority, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that consultation with the Authority shall not be necessary on the first occasion of the making of rules under this section, but the Central Government shall take into consideration any suggestions which the Authority may make in relation to the amendment of such rules after they are made. 20

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:— 25

(a) the manner of election of representatives of the Municipal Corporation of Delhi under clause (e) of sub-section (3) of section 3; • 30

(b) the salaries, allowances and conditions of service of the whole-time paid members of the Authority;

(c) the control and restrictions in relation to appointment of officers and other employees;

(d) the form and content of the master plan and a zonal development plan and the procedure to be followed in connection with the preparation, submission and approval of such plans; 35

(e) the local inquiries and other hearings that may be held before a plan is approved;

(f) the periodical amendment of the master plan and a zonal development plan, the period at the expiration of which such 40

amendment may be taken up, the procedure to be followed in making such amendment and the date of operation of such amendment;

5 (g) the fee to be paid on an application for permission under sub-section (1) of section 12 and the factors and circumstances to be taken into consideration in determining such fee;

(h) the time within which cases referred to the Collector under sub-section (3) of section 14 for determination of compensation shall be disposed of;

10 (i) the manner in which nazul lands shall be dealt with after development;

(j) the procedure for referring any matter to the Central Government under section 34 for settlement of terms and conditions subject to which a local authority may be required to assume  
15 responsibility for amenities in any area;

(k) the term of years for which and the uniform percentage of the increase in value at which, betterment charges may be levied, the time and instalments for payment of betterment charges and any other matter in relation to the assessment and  
20 collection of betterment charges;

(l) the sum of money that may be kept in current account;

(m) the form of the budget of the Authority and the manner of preparing the same;

(n) the form of the balance-sheet and statement of accounts;

25 (o) the form of the annual report and the date on or before which it shall be submitted to the Central Government;

(p) the manner of constitution of the pension and provident funds for whole-time paid members and officers and other employees of the Authority and the conditions subject to which  
30 such funds may be constituted;

(q) any other matter which has to be or may be prescribed by rules.

52. (1) The Authority may, with the previous approval of the Central Government, make regulations consistent with this Act and the rules made thereunder, to carry out the purposes of this Act, and  
35 without prejudice to the generality of this power, such regulations may provide for—

Power to make regulations.

(a) the summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of members  
40 necessary to form a quorum thereat;

(b) the powers and duties of the secretary and chief accounts officer of the Authority;

(c) the salaries, allowances and conditions of service of the secretary, chief accounts officer and other officers and employees;

(d) the procedure for the carrying out of the functions of the Authority under Chapter III; 5

(e) the form in which any application for permission under sub-section (1) of section 12 shall be made and the particulars to be furnished in such application;

(f) the manner of publication of the notice under section 13; 10

(g) the manner of communicating the grounds of refusal of permission for development;

(h) the form of the register of applications for permission and the particulars to be contained in such register;

(i) the management of the properties of the Authority; and 15

(j) any other matter which has to be, or may be, prescribed by regulations.

(2) Until the Authority is established under this Act, any regulation which may be made under sub-section (1) may be made by the Central Government; and any regulation so made may be altered or rescinded by the Authority in exercise of its powers under sub-section (1). 20

Laying of  
rules and  
regulations  
before  
Parliament.

53. All rules and regulations made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such 25 modifications as Parliament may make during the session in which they are so laid or the session immediately following.

Dissolution  
of the  
Authority.

54. (1) Where the Central Government is satisfied that the purposes for which the Authority was established under this Act have been substantially achieved so as to render the continued existence 30 of the Authority in the opinion of the Central Government unnecessary, that Government may by notification in the Official Gazette declare that the Authority shall be dissolved with effect from such date as may be specified in the notification; and the Authority shall be deemed to be dissolved accordingly. 35

(2) From the said date—

(a) all properties, funds and dues which are vested in, or realisable by, the Authority shall vest in, or be realisable by the Central Government;

(b) all nazul lands placed at the disposal of the Authority shall revert to the Central Government;

(c) all liabilities which are enforceable against the Authority shall be enforceable against the Central Government; and

5 (d) for the purpose of carrying out any development which has not been fully carried out by the Authority and for the purpose of realising properties, funds and dues referred to in clause (a), the functions of the Authority shall be discharged by the Central Government.

10 55. (1) As from the date of the constitution of the Authority,— Repeal, etc.  
and savings.

U. P. Act  
VIII of 1919.

(a) the United Provinces Town Improvement Act, 1919, shall cease to have effect in the Union territory of Delhi; and

53 of 1955.

(b) the Delhi (Control of Building Operations) Act, 1955. shall stand repealed.

15 (2) Notwithstanding the provisions of sub-section (1)—

(a) every officer and other employee serving under the Delhi Improvement Trust or the Delhi Development (Provisional) Authority immediately before the date of the constitution of the Authority shall, on and from such date, be transferred to  
20 and become an officer or other employee of the Authority with such designations as the Authority may determine and shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if the Authority had not been constituted, and  
25 shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Authority:

Provided that any service rendered by any such officer or other employee before the constitution of the Authority shall be deemed to be service rendered under it:

30 Provided further that the Authority may employ any such officer or other employee in the discharge of such functions under this Act as it may think proper and every such officer or other employee shall discharge those functions accordingly;

(b) anything done or any action taken (including any ap-  
35 pointment, delegation, notification, order, scheme, permission, rule, bye-law, regulation of form made, granted or issued) under any of the aforesaid Acts, shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been done or taken under the provisions of this Act unless and until it is superseded by anything done or any action  
40 taken under the said provisions.

## STATEMENT OF OBJECTS AND REASONS

In order to check haphazard construction and to regulate and control the building activities in Delhi, the Delhi (Control of Building Operations) Ordinance, 1955 was promulgated on the 22nd October, 1955, under which the Delhi Development (Provisional) Authority was constituted. The said Ordinance was replaced by the Delhi (Control of Building Operations) Act, 1955. Originally the enactment was to be in force up to the 31st December, 1956, but its operation has been extended up to the 31st December, 1957, by an amending Act.

The present Bill seeks to replace the Delhi Development (Provisional) Authority, and the Delhi Improvement Trust with the object of promoting and securing the development of Delhi in accordance with the master plan and zonal development plans to be prepared by the Authority and approved by the Central Government. The Authority will consist of the Administrator of Delhi as chairman, a whole-time paid vice-chairman, a whole-time paid engineer member and a whole-time paid finance member, two members of the Corporation to be elected by the Councillors of the Delhi Municipal Corporation from amongst themselves and the Commissioner of the Corporation (*ex-officio*).

The development activities of the Authority will be confined only to such areas as may be declared "development areas" by the Central Government in consultation with the Authority and the Delhi Municipal Corporation.

The Authority will be advised by an Advisory Council which will consist of three members to be elected by Parliament, representatives of the Delhi Municipal Corporation and persons to be nominated by the Central Government to represent the interests of commerce and industry and labour, as well as persons having knowledge of town planning, architecture, public health and other technical matters.

NEW DELHI;  
The 2nd September, 1957.

GOVIND BALLABH PANT.



## FINANCIAL MEMORANDUM

The Delhi Development (Provisional) Authority and the Town Planning Office which are now in charge of the prevention of haphazard constructions and the preparation of the Master Plan for Delhi will merge with the Delhi Development Authority when it is constituted. Expenditure on the staff and the contingencies of these two Organisations is now being met from the Consolidated Fund of India. It is envisaged that the Authority which will in due course have its own funds as indicated in the succeeding paragraph may have to be financed in regard to its expenditure on staff and contingencies in the initial period by way of grants from the Consolidated Fund of India. The expenditure on this account may be about Rs. 12 lakhs per annum. It is anticipated that the Authority will come into being during the last quarter of the current financial year in which case the actual expenditure during the current year will be about Rs. 3 lakhs.

2. In regard to development to be carried out by the Authority in "Development Arcas" funds will be provided as loans to the Authority and no grants are envisaged for this purpose. The amount of loans that will be advanced will depend on the actual development that the Authority will undertake during each year. The loans will be repaid by the Authority from funds which will accrue to it (a) by sale of plots in developed areas, (b) by the levy of betterment charges and (c) by such other fees or charges which it may recover for granting permission for development and building in "Development Areas".

## MEMORANDUM REGARDING DELEGATED LEGISLATION

In clause 51 it is proposed to delegate to the Central Government power to make rules after consultation with the Authority to carry out the purposes of the Bill. Under clause 52 it is proposed to delegate to the Delhi Development Authority powers to make regulations with the previous approval of the Central Government. The powers proposed to be delegated to the Central Government and the Authority under these two clauses relate to the various matters specified therein. As will appear from these two clauses these matters are necessary for the day to day administration of the Act and do not involve any matters of policy.

These delegations have been proposed for administrative convenience and with a view not to making the Bill unnecessarily cumbersome. The delegation of legislative powers both to the Central Government and the Authority is of a normal type:

## BILL\* No. 69 OF 1957

*A Bill to consolidate and amend the law relating to the municipal government of Delhi.*

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

5 1. (1) This Act may be called the Delhi Municipal Corporation Act, 1957. Short title,  
extent and  
commence-  
ment.

(2) Except as otherwise provided in this Act, it extends only to Delhi.

(3) The provisions of this Act, except this section which shall  
10 come into force at once, shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the  
15 commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. In this Act, unless the context otherwise requires,—

Definitions.

(1) "Administrator" means the Administrator of the Union territory of Delhi;

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\*The President has in pursuance of clauses (1) and (3) of article 117 of the Constitution of India, recommended to Lok Sabha, the introduction and consideration of the Bill.

(2) "budget-grant" means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by the Corporation and includes any sum by which such budget-grant may be increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the regulations made thereunder; 5

(3) "building" means a house, outhouse, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material but does not include any portable shelter; 10

(4) "bye-law" means a bye-law made under this Act;

(5) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of a councillor or in any other elective office;

(6) "Commissioner" means the Commissioner of the Corporation; 15

(7) "Corporation" means the Municipal Corporation of Delhi established under this Act;

(8) "corrupt practice" means any of the practices specified in section 21; 20

(9) "councillor" means a member of the Corporation;

(10) "dangerous disease" means—

(a) cholera, plague, chicken-pox, small-pox, tuberculosis, leprosy, enteric fever, cerebrospinal meningitis and diphtheria; and 25

(b) any other epidemic, endemic or infectious disease which the Commissioner may, by notification in the Official Gazette, declare to be a dangerous disease for the purposes of this Act;

(11) "Delhi" means the entire area of the Union territory of Delhi except New Delhi and Delhi Cantonment; 30

(12) "Delhi Cantonment" means the area for the time being within the local limits of the Delhi Cantonment Board;

(13) "Delhi Electric Supply Undertaking" means all undertakings vested in or acquired and organised, constructed, maintained, extended, managed or conducted by the Corporation for the purposes of generating or acquiring supplies of electricity and providing supplies (including bulk supplies) of electricity for licensees and persons other than licensees and includes all properties and rights vested in the Corporation for the purposes of such undertakings;

(14) "Delhi Transport Undertaking" means all undertakings vested in or acquired and organised, constructed, maintained, extended, managed or conducted by the Corporation for the purposes of providing road transport services and any ancillary service and includes all properties and rights vested in the Corporation for the purposes of such undertakings;

(15) "Delhi Water Supply and Sewage Disposal Undertaking" means all undertakings vested in or acquired and organised, constructed, maintained, extended, managed or conducted by the Corporation for the purposes of providing filtered and unfiltered water supply and for the purposes of collection, treatment and disposal of sewage and includes all properties and rights vested in the Corporation for the purposes of such undertakings;

(16) "drain" includes a sewer, a house drain, a drain of any other device for carrying off sewage, offensive matter, polluted other device for carrying off sewage, offensive matter, polluted water, waste water, rain water or sub-soil water;

(17) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are ordinarily admitted on payment;

(18) "factory" means a factory as defined in the Factories Act, 1948;

63 of 1948.

(19) "filth" includes offensive matter and sewage;

(20) "General Manager (Electricity)" means the General Manager of the Delhi Electric Supply Undertaking;

(21) "General Manager (Transport)" means the General Manager of the Delhi Transport Undertaking;

(22) "goods" includes animals;

(23) "house-gully" or "service passage" means a passage or strip of land constructed, set apart or utilised for the purpose of serving as or carrying a drain or affording access to a latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by municipal employees or other persons employed in the cleansing thereof or in the removal of such matter therefrom; 5

(24) "hut" means any building which is constructed principally of wood, bamboo, mud, leaves, grass, cloth or thatch and includes any structure of whatever material made which the Corporation may declare to be a hut for the purposes of this Act; 10

(25) "land" includes benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by law over any street;

(26) "licensed architect", "licensed draughtsman", "licensed engineer", "licensed plumber", "licensed surveyor" and "licensed town planner" mean respectively a person licensed under the provisions of this Act as an architect, draughtsman, engineer, plumber, surveyor and town planner; 15

(27) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, meat, fish, fruits, vegetables, animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place notwithstanding that there may be no common regulation for the concourse of buyers and sellers and whether or not any control is exercised over the business of, or the persons frequenting, the market by the owner of the place or by any other person; 20 25

(28) "municipal authority" means any of the municipal authorities specified in section 43; 30

(29) "municipal market" means a market vested in or managed by the Corporation;

(30) "municipal slaughter house" means a slaughter house vested in or managed by the Corporation;

(31) "municipal water works" means water works vested in the Corporation; 35

(32) "New Delhi" means the area within the boundaries described in the First Schedule;

(33) "nuisance" includes any act, omission, place, animal or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell, or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injurious to health or property;

(34) "occupier" includes an owner in occupation of, or otherwise using, his own land or building;

(35) "offensive matter" includes animal carcasses, kitchen or stable refuse, dung, dirt and putrid or putrefying substances other than sewage;

(36) "Official Gazette" means the Official Gazette of the Union territory of Delhi;

(37) "owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver for any other person or who should so receive the rent or be entitled to receive it if the land or building or part thereof were let to a tenant and also includes—

(a) the custodian of evacuee property in respect of evacuee property vested in him under the Administration of Evacuee Property Act, 1950; and

(b) the estate officer to the Government of India, the secretary of the Delhi Development (Provisional) Authority, the general manager of a railway and the head of a Government department, in respect of properties under their respective control;

(38) "premises" means any land or building or part of a building and includes—

(a) the garden, ground and outhouses, if any, appertaining to a building or part of a building; and

(b) any fittings affixed to a building or part of a building for the more beneficial enjoyment thereof;

(39) "Private street" means any street, which is not a public street and includes any passage securing access to two or more places belonging to the same or different owners;

(40) "private market" means a market which is not a municipal market;

(41) "private slaughter house" means a slaughter house which is not a municipal slaughter house;

(42) "public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;

(43) "public securities" means any securities of the Central Government or a State Government or any securities guaranteed by the Central Government or a State Government or any securities issued under this Act or any debentures issued by the Bombay, Calcutta or Madras Municipal Corporation;

(44) "public street" means any street which vests in the Corporation as a public street or the soil below the surface of which vests in the Corporation or which under the provisions of this Act becomes, or is declared to be, a public street;

(45) "railway administration" has the meaning assigned to it in the Indian Railways Act, 1890;

9 of 1890.

(46) "rate payer" means a person liable to pay any rate, tax or licence fee under this Act;

20

(47) "rateable value" means the value of any land or building fixed in accordance with the provisions of this Act and the bye-laws made thereunder for the purpose of assessment to property taxes;

(48) "regulation" means a regulation made under this Act;

25

(49) "reside",—

(a) a person shall be deemed to "reside" in any dwelling house which or some portion of which he sometimes, although not uninterruptedly, uses as a sleeping apartment, and

30

(b) a person shall not be deemed to cease to "reside" in any such dwelling house merely because he is absent from it or has elsewhere another dwelling house in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning to it;

35



(50) "rubbish" includes ashes, broken bricks, broken glass, dust, *malba*, mortar and refuse of any kind which is not filth;

(51) "rule" means a rule made by the Central Government under this Act;

(52) "rural areas" means the areas of Delhi which immediately before the establishment of the Corporation are situated within the local limits of the District Board of Delhi established under the Punjab District Boards Act, 1883, but shall not include such portion thereof as may, by virtue of a notification under section 507 cease to be included in the rural areas as herein defined;

(53) "Scheduled Caste" means any of the Scheduled Castes specified in Part I of the Schedule to the Constitution (Scheduled Castes) (Union Territories) Order, 1951;

(54) "sewage" means night-soil and other contents of latrines, urinals, cesspools or drains, and polluted water from sinks, bathrooms, stables, cattle sheds and other like places, and includes trade effluents and discharges from manufactories of all kinds;

(55) "shed" means a slight or temporary structure for shade or shelter;

(56) "slaughter house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;

(57) "street" includes any way, road, lane, square, court, alley, gully, passage, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way and also the roadway or footway over any bridge or causeway;

(58) "trade effluent" means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewage;

(59) "trade premises" means any premises used or intended to be used for carrying on any trade or industry;

(60) "trade refuse" means the refuse of any trade or industry;

(61) "urban areas" means the areas of Delhi which are not rural areas;

(62) "vehicle" includes a carriage, cart, van, dray, truck, hand-cart, bicycle, tricycle, motor vehicle and every wheeled conveyance which is used or is capable of being used on a street; 5

(63) "ward" means a municipal ward provided by order made under section 5 for the purpose of elections to the Corporation;

(64) "water course" includes any river, stream or channel whether natural or artificial; 10

(65) "water works" includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water trucks, sluices, mains, pipes, culverts, hydrants, stand pipes and conduits and all lands, buildings, machinery, bridges and things, used for, or intended for the purpose of, supplying water; 15

(66) "workshop" means any premises (including the precincts thereof) other than a factory, wherein any industrial process is carried on;

(67) "year" means a year commencing on the 1st day of April. 20

## CHAPTER II

### THE CORPORATION

#### *Constitution of the Corporation*

Establish-  
ment of the  
Corporation.

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be a Corporation charged with the municipal government of Delhi, to be known as the Municipal Corporation of Delhi. 25

(2) The Corporation shall be a body corporate with the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by the said name sue and be sued. 30

(3) The Corporation shall consist of eighty councillors chosen by direct election on the basis of adult suffrage from various wards into

which Delhi shall be divided in accordance with the provisions of section 5:

Provided that twelve out of the eighty seats of councillors shall be reserved for the members of the Scheduled Castes.

- 5 4. (1) Save as otherwise provided in this section, the term of office of a councillor shall be four years and shall commence on the date of publication of the result of his election under section 13 :

10 Provided that the term of office of a councillor elected at the first general election held for the purpose of constituting the Corporation shall commence on the date appointed by the notification issued under sub-section (1) of section 3:

15 Provided further that the Central Government may, when satisfied that it is necessary in order to avoid administrative difficulty or for any other sufficient reason, extend the term of office of all or any of the councillors by such period, not exceeding one year, as it thinks fit.

(2) The term of office of a councillor elected to fill a casual vacancy shall continue so long only as the councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(3) An out-going councillor shall continue in office until the result of the election of his successor is published under section 13.

#### *Election of councillors*

25 5. The Central Government shall, by order in the Official Gazette, determine—

(a) the wards into which Delhi shall be divided for the purposes of election of councillors;

(b) the extent of each ward;

(c) the number of seats allotted to each ward; and

30 (d) the number of seats, if any, reserved for the Scheduled Castes in each ward.

6. The Corporation, with the previous approval of the Central Government, may, from time to time by order in the Official Gazette, alter or amend any order made under section 5.

Power to alter or amend delimitation orders.

Electors  
and electoral  
rolls

7. (1) The persons entitled to vote at elections of councillors shall be the persons entitled, by virtue of the provisions of the Constitution and the Representation of the People Act, 1950, to be registered as voters at elections to the House of the People. 43 of 1950.

(2) So much of the electoral roll for any parliamentary constituency for the time being in force as relates to the areas comprised within a ward shall be deemed to be the electoral roll for that ward for the purposes of this Act. 5

*Explanation.*—In sub-section (2), the expression “parliamentary constituency” has the meaning assigned to it under the Representation of the People Act, 1950. 10 43 of 1950

Qualifications  
for council-  
orship.

8. A person shall not be qualified to be chosen as a councillor unless his name is registered as an elector in the electoral roll for a ward.

Disqualifica-  
tions for  
councillor-  
ship.

9. (1) A person shall be disqualified for being chosen as, and for being, a councillor— 15

(a) if he is of unsound mind and stands so declared by a competent court;

(b) if he is an undischarged insolvent;

(c) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State; 20

(d) if he has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty of—

(i) any corrupt practice, or

(ii) any offence punishable under section 171E or section 171F of the Indian Penal Code or any offence punishable under section 28 or clause (a) of sub-section (2) of section 29 of this Act, 25 45 of 1860

unless the disqualification has been removed either retrospectively or prospectively by the Central Government; 30

(e) if he has been sentenced on conviction by a criminal court to imprisonment for a term of not less than six months for any of the offences referred to in clause (d) or for any offence which is declared by the Central Government to be such as to render him unfit to be chosen as, or to be, a councillor unless 35 the disqualification has been removed either retrospectively or prospectively by the Central Government;

(f) if he holds any office of profit (other than that of Mayor) under the Corporation;

(g) if he holds any office of profit under the Government;

5 (h) if he is a licensed architect, draughtsman, engineer, plumber, surveyor or town planner or is a partner of a firm of which any such licensed person is also a partner;

10 (i) if he is interested in any subsisting contract made with, or any work being done for, the Corporation except as a shareholder (other than a director) in an incorporated company or as a member of a co-operative society;

15 (j) if he is retained or employed in any professional capacity either personally or in the name of a firm of which he is a partner or with which he is engaged in a professional capacity, in connection with any cause or proceeding in which the Corporation or any of the municipal authorities is interested or concerned;

20 (k) if he having held any office under the Government, the Corporation or any other authority has been dismissed for corruption or disloyalty to the State unless a period of three years has elapsed since his dismissal or the disqualification has been removed by the Central Government;

(l) if he fails to pay any arrears of any kind due by him otherwise than as an agent, receiver, trustee or an executor to the Corporation within three months after a notice in this behalf has been served upon him.

25 (2) Notwithstanding anything contained in sub-section (1),—

30 (a) a disqualification under clause (e) of that sub-section shall not take effect until three months have elapsed since the date of such disqualification or if within these three months an appeal or petition for revision is brought in respect of the conviction or sentence, until that appeal or petition is disposed of;

(b) a disqualification under clause (e) of that sub-section shall terminate on the expiry of the sentence referred to therein;

35 (c) a person shall not be deemed to have incurred any disqualification under clause (f) or clause (g) of that sub-section by reason only of his receiving—

(i) any pension; or

(ii) any allowance for serving as a councillor; or

(iii) any fee for attendance at meetings of the Delhi Electric Supply Committee or the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee or any other committee of the Corporation;

(d) a person shall not be deemed to have any interest in a contract or work such as is referred to in clause (i) of that sub-section by reason only of his having a share or interest in—

(i) any lease, sale, exchange or purchase of immovable property or any agreement for the same; or

(ii) any agreement for the loan of money or any security for the payment of money only; or

(iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or

(iv) the sale to the Corporation or to any municipal authority or any officer or other employee of the Corporation on behalf of the Corporation, of any article in which he regularly trades or the purchase from the Corporation or from any such authority, officer or other employee on behalf of the Corporation, of any article of a value in either case not exceeding five thousand rupees in the aggregate in any year during the period of the contract or work; or

(v) the letting out on hire to the Corporation or the hiring from the Corporation of any article of a value not exceeding two thousand rupees in the aggregate in any year during the period of the contract or work; or

(vi) any agreement or contract with the Corporation or any municipal authority for taking water or electricity or for hiring buses or any other thing which the Corporation may generally supply.

(3) If a person sits or votes as a councillor when he knows that he is not qualified or that he is disqualified for councillorship he shall be liable in respect of each day on which he so sits or votes to a penalty of three hundred rupees to be recovered, as an arrear of tax under this Act.

Right to  
vote.

10. (1) Every person whose name is, for the time being entered in the electoral roll for a ward shall be entitled to vote at the election of a councillor from that ward.

(2) Every person shall give one vote and no more to any one candidate at an election but in plural-member wards every elector shall have as many votes as there are councillors to be elected.

11. (1) A general municipal election shall be held for the purpose of constituting the Corporation under section 3. General municipal elections.

(2) A general municipal election shall also be held for the purpose of filling the vacancies arising by efflux of time in the office of the councillors.

(3) For the aforesaid purposes the Commissioner shall, by one or more notifications published in the Official Gazette, call upon all the wards to elect councillors in accordance with the provisions of this Act and the rules and orders made thereunder before such date or dates as may be specified in the notification or notifications:

Provided that where in any ward a seat has been reserved for the Scheduled Castes, such notification or notifications shall specify that the person to fill that seat shall belong to one of the said castes.

12. (1) When a casual vacancy occurs the Commissioner shall, as soon as may be after the occurrence of such vacancy and subject to the provisions of sub-section (2), by a notification in the Official Gazette, call upon the ward concerned to elect a person for the purpose of filling the vacancy in accordance with the provisions of this Act and the rules and orders made thereunder before such date as may be specified in the notification: Filling of casual vacancies.

Provided that no election shall be held to fill a casual vacancy occurring within four months prior to the holding of a general election under section 11.

(2) If the vacancy be a vacancy in a seat reserved for the Scheduled Castes the notification issued under sub-section (1) shall specify that the person to fill that seat shall belong to one of the Scheduled Castes.

13. The names of all persons elected as councillors shall, as soon as may be, after such election, be published by the Commissioner in the Official Gazette: Publication of results of elections.

Provided that the names of all persons elected at a general election shall be so published as far as possible simultaneously.

#### *Disputes regarding elections*

14. (1) No election of a councillor shall be called in question except by an election petition presented to the court of the district positions. Election

judge of Delhi within fifteen days from the date of the publication of the result of the election under section 13.

(2) An election petition calling in question any such election may be presented by any candidate at such election or by any elector of the ward on one or more of the grounds specified in section 16. 5

(3) A petitioner shall join as respondents to his petition all the candidates at the election.

(4) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies; 10

(b) shall, with sufficient particulars, set forth the ground or grounds on which the election is called in question; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings. 5 of 1908. 15

Relief that may be claimed by the petitioner.

15. A petitioner may claim—

(a) a declaration that the election of all or any of the returned candidates is void, and

(b) in addition thereto, a further declaration that he himself or any other candidate has been duly elected. 20

Grounds for declaring elections to be void.

16. (1) Subject to the provisions of sub-section (2) if the court of the district judge is of opinion—

(a) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as a councillor under this Act, or 25

(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent, or

(c) that any nomination paper has been improperly rejected, or 30

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

(i) by the improper acceptance of any nomination, or



(ii) by any corrupt practice committed in the interests of the returned candidate by a person other than that candidate or his agent or a person acting with the consent of such candidate or agent, or

5 (iii) by the improper acceptance or refusal of any vote or reception of any vote which is void, or

(iv) by the non-compliance with the provisions of this Act or of any rules or orders made thereunder,

10 the court shall declare the election of the returned candidate to be void.

(2) If in the opinion of the court a returned candidate has been guilty by an agent of any corrupt practice, but the court is satisfied—

15 (a) that no such corrupt practice was committed at the election by the candidate, and every such corrupt practice was committed contrary to the orders, and without the consent of the candidate;

(b) that all such corrupt practices were of trivial and limited character or took the form of customary hospitality which did not affect the result of the election;

20 (c) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election; and

(d) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents;

25 then the court may decide that the election of the returned candidate is not void.

17. The procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall be followed by the Court of the district Judge as far as it can be made applicable, in the trial and disposal of an election petition under this Act. Procedure to be followed by the district Judge.

30 18. (1) At the conclusion of the trial of an election petition, the court of the district judge shall make an order— Decision of the District Judge.

(a) dismissing the election petition; or

(b) declaring the election of all or any of the returned candidates to be void; or

(c) declaring the election of all or any of the returned candidates to be void and the petitioner and any other candidate to have been duly elected.

(2) If any person who has filed an election petition has, in addition to calling in question the election of the returned candidate, claimed declaration that he himself or any other candidate has been duly elected and the court of the district judge is of opinion—

(a) that in fact the petitioner or such other candidate received a majority of the valid votes, or

(b) that but for the votes obtained by the returned candidate the petitioner or such other candidate would have obtained a majority of the valid votes,

the court of the district judge shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected. 15

Procedure in  
case of  
equality of  
votes.

19. If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then, the court of the district judge shall decide between them by lot and proceed as if the one on whom the 20 lot falls had received an additional vote.

Finality of  
decisions.

20. (1) An order of the court of the district judge on an election petition shall be final and conclusive.

(2) An election of a councillor not called in question in accordance with the foregoing provisions shall be deemed to be a good and 25 valid election.

### *Corrupt practices and electoral offences*

Corrupt  
practices.

21. The following shall be deemed to be corrupt practices for the purposes of this Act:—

(1) Bribery as defined in clause (1) of section 123 of the 30 Representation of the People Act, 1951.

43 of 1951.

(2) Undue influence as defined in clause (2) of the said section.

(3) The systematic appeal by a candidate or his agent or by any other person, to vote or refrain from voting on grounds 35 of caste, race, community or religion or the use of or appeal to,

religious symbols or, the use of or appeal to, national symbols such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election.

5 (4) The publication by a candidate or his agent or by any other person of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal from contest of any candidate being a statement reasonably calculated to  
10 prejudice the prospects of that candidate's election.

(5) The hiring or procuring whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person for the conveyance of any elector (other than the candidate himself, and the members of his family or his  
15 agent) to or from any polling station provided in accordance with the rules made under this Act:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from any such polling station shall  
20 not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tram car or railway carriage by an elector at his own cost for the purpose of going to or coming  
25 from any such polling station shall not be deemed to be a corrupt practice under this clause.

*Explanation.*—In this clause the expression “vehicle” means any vehicle used or capable of being used for the purpose of  
30 road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) Any other practice which the Central Government may by rules specify to be a corrupt practice.

22. (1) Every officer or clerk, agent or other person who per-  
35 forms any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

Maintenance  
of secrecy  
of voting.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

Officers, etc.,  
at elections  
not to act  
for candi-  
dates or to  
influence  
voting.

23. (1) No person who is a returning officer, or an assistant returning officer or a presiding officer or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or management of the election do any act (other than the giving of votes) for the furtherance of the prospects of the election of a candidate. 5 10

(2) No such person as aforesaid, and no member of a police force, shall endeavour—

(a) to persuade any person to give his vote at an election; or

(b) to dissuade any person from giving his vote at an election; or 15

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both. 20

Prohibition  
of canvassing  
in or near  
polling sta-  
tion and of  
public  
meeting on  
election day.

24. (1) No person shall, on the date or dates on which the poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely :— 25

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any elector not to vote for any particular candidate; or

(d) persuading any elector not to vote at the election; or 30

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) No person shall convene, hold or attend any public meeting within any ward on the date or dates on which a poll is taken for an election in that ward. 35

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with fine which may extend to two hundred and fifty rupees.

(4) An offence punishable under this section shall be cognizable.

25. (1) No person shall, on the date or dates on which a poll is taken at any polling station—

Penalty for disorderly conduct in or near polling station.

(a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud-speaker; or

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof;

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officer and other persons on duty at the polling station.

(2) Any person who contravenes or wilfully aids or abets the contravention of the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such step and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

26. (1) Any person who during the hours fixed for the poll at any polling station, misconducts himself or fails to obey the lawful directions of the presiding officer, may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

Penalty for misconduct at the polling station.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station, re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

27. (1) If any person to whom this section applies, is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

Breaches of official duty in connection with election.

(2) No suit or other legal proceeding shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are returning officers, assistant returning officers, presiding officers, polling officers 5 and any other person appointed to perform any duty in connection with the election; and the expression "official duty" shall for the purposes of this section be construed accordingly.

Removal of  
ballot papers  
from polling  
station to be  
an offence.

28. (1) Any person who at an election fraudulently takes or attempts to take a ballot paper out of a polling station, or wilfully 10 aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence 15 punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be 20 searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer or when the search is made by a police officer, shall be 25 kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

Other  
offences and  
penalties  
therefor.

29. (1) A person shall be guilty of an electoral offence if at any election he—

(a) fraudulently defaces or destroys any nomination paper; 30  
or

(b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of the returning officer; or 35

(c) fraudulently defaces or destroys any ballot paper or the official mark on any ballot paper; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or 40

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; 45  
or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot paper then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section shall—

(a) if he is a returning officer or an assistant returning officer or a presiding officer or a polling officer or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of any election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

(5) No court shall take cognizance of any offence under section 23, or under section 27, or under clause (a) of sub-section (2) of this section unless there is a complaint made by order of, or under authority from, the Commissioner.

#### *Power to make rules*

30. (1) The Central Government may make rules to provide for or regulate all or any of the following matters for the purpose of holding elections of councillors under this Act, namely:—

Power to make rules regulating the election of councillors.

(a) the manner of the splitting up of electoral rolls for parliamentary constituencies into parts for the purpose of constituting one or more of such parts into the electoral roll for a ward; and the officer or authority by whom such splitting up is to be carried out;

(b) the appointment of returning officers, assistant returning officers, presiding officers and polling officers for the conduct of elections;

(c) the nomination of candidates, form of nomination papers, objections to nominations and scrutiny of nominations;

(d) the deposits to be made by candidates, time and manner of making such deposits and the circumstances under which such

- (e) the withdrawal of candidatures;
- (f) the appointment of agents of candidates;
- (g) the procedure in contested and uncontested elections and the special procedure at elections in wards where any seat is reserved for the Scheduled Castes; 5
- (h) the date, time and place for poll and other matters relating to the conduct of elections including—
  - (i) the appointment of polling stations for each ward,
  - (ii) the hours during which the polling station shall be opened for the casting of votes, 10
  - (iii) the printing and issue of ballot papers,
  - (iv) the checking of voters by reference to the electoral roll,
  - (v) the marking with indelible ink of the left forefinger or any other finger or limb of the voter and prohibition of the delivery of any ballot paper to any person if at the time such person applies for such paper he has already such mark so as to prevent personation of voters, 15
  - (vi) the manner in which votes are to be given and in particular in the case of illiterate voters or of voters under physical or other disability, 20
  - (vii) the procedure to be followed in respect of challenged votes and tendered votes,
  - (viii) the scrutiny of votes, counting of votes, the declaration of the results and the procedure in case of equality of votes or in the event of a councillor being elected to represent more than one ward, 25
  - (ix) the custody and disposal of papers relating to elections,
  - (x) the suspension of polls in case of any interruption by riot, violence or any other sufficient cause and the holding of a fresh poll, 30
  - (xi) the holding of a fresh poll in the case of destruction of or tampering with ballot boxes before the count,
  - (xii) the countermanding of the poll in the case of the death of a candidate before the poll; 35
- (i) the fee to be paid on an election petition;
- (j) any other matter relating to elections or election disputes in respect of which the Central Government deems it necessary to make rules under this section or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Central Government, neces- 40



(2) In making any rule under this section the Central Government may provide that any contravention thereof shall be punishable with fine which may extend to one hundred rupees.

*Councillors*

5 31. (1) Every councillor shall, before taking his seat, make and subscribe at a meeting of the Corporation an oath or affirmation according to the following form, namely :—

Oath or affirmation by councillors.

"I, A.B., having been elected a councillor of the Municipal Corporation of Delhi do swear in the name of God that I will solemnly affirm

10 bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter."

(2) If a person sits or votes as a councillor before he has complied with the requirements of sub-section (1), he shall be liable 15 in respect of each day on which he so sits or votes to a penalty of three hundred rupees to be recovered as an arrear of tax under this Act.

32.. (1) If a councillor—

Vacation of seats.

20 (a) becomes subject to any of the disqualifications mentioned in section 9, or

(b) resigns his seat by writing under his hand addressed to the Mayor and delivered to the Commissioner, his seat shall thereupon become vacant.

(2) If during six successive months, a councillor is, without 25 permission of the Corporation, absent from all the meetings thereof, the Corporation may declare his seat vacant.

(3) If any question arises as to whether a councillor has become subject to any of the disqualifications mentioned in section 9, the Commissioner shall refer the question to the District Judge of Delhi 30 for his decision and the decision of the District Judge shall be final.

33. The councillors shall be entitled to receive allowances for attendance at meetings of the Corporation and of any of its committees at such rate as may be determined by rules made in this behalf.

Payment of allowances to councillors.

35

*Mayor and Deputy Mayor*

34. (1) The Corporation shall at its first meeting in each year elect one of the councillors to be the Mayor and another councillor to be the Deputy Mayor of the Corporation.

Annual election of Mayor and Deputy Mayor.

(2) On the occurrence of any vacancy in the office of the Mayor 40 or the Deputy Mayor, the Corporation shall within one month of the occurrence of such vacancy elect one of the councillors as Mayor or Deputy Mayor, as the case may be.

Term of office of the Mayor and Deputy Mayor and facilities and prerogative of the Mayor.

35. (1) The Mayor or the Deputy Mayor shall hold office from the time of his election until the election of his successor in office, unless in the meantime he resigns his office as Mayor or Deputy Mayor or his term of office as councillor terminates in any manner or unless in the case of the Deputy Mayor he is elected as Mayor. 5

(2) The Mayor shall be given such facilities in respect of residential accommodation, conveyance and the like as may be determined by rules made in this behalf.

(3) The Mayor shall have full access to all the records of the Corporation and may obtain reports— 10

(a) from the Commissioner on any matter connected with the municipal government of Delhi;

(b) from the General Manager (Electricity) and the General Manager (Transport) on any matter connected respectively with the administration of the Delhi Electric Supply Under-taking and the administration of the Delhi Transport Under-taking.

Discharge of functions of the Mayor by the Deputy Mayor.

36. (1) When the office of the Mayor is vacant, the powers, duties and functions of the Mayor shall be exercised and performed by the Deputy Mayor until a new Mayor is elected. 20

(2) When the Mayor is absent from his duty on account of illness or any other cause, the Deputy Mayor shall act as the Mayor.

(3) The Mayor may by order in writing delegate any of his powers, duties and functions to the Deputy Mayor.

Resignation of Mayor and Deputy Mayor.

37. (1) The Mayor may, by writing under his hand addressed to the Deputy Mayor and delivered to the Commissioner, resign his office. 25

(2) The Deputy Mayor may, by writing under his hand addressed to the Mayor and delivered to the Commissioner, resign his office.

(3) A resignation under sub-section (1) or sub-section (2) shall take effect from the date on which it is delivered to the Commissioner. 30

#### *Committees of the Corporation*

Rural Areas Committee.

38. (1) In addition to the Standing Committee, the Delhi Electric Supply Committee, the Delhi Transport Committee, and the Delhi Water Supply and Sewage Disposal Committee referred to in section 43, there shall be a Rural Areas Committee of the Corporation, which shall consist of all the councillors elected from the wards situated within the rural areas. 35

(2) It shall be the duty of the Rural Areas Committee—

(a) to advise the Corporation— 40

(i) in relation to the functions of the Corporation which may be discharged within the rural areas and questions of policy and schemes relating to the development of such areas;

(ii) in relation to taxes which the Corporation proposes to levy in the rural areas; and

5 (iii) generally in relation to the expenditure that may be incurred by the Corporation for the municipal government in these areas;

(b) to review the progress of work of the Corporation in the rural areas;

10 (c) to bring to the notice of the appropriate municipal authorities deficiencies in the rural areas and make proposals to those authorities for the removal of such deficiencies;

(d) to discharge such other functions in relation to the rural areas as the Corporation may by resolution delegate to it.

39. (1) The Corporation may constitute as many special and *ad hoc* committees as it thinks fit for the exercise of any power or discharge of any function which the Corporation may by resolution delegate to them or for inquiring into, reporting or advising upon any matter which the Corporation may refer to them. Special and *ad hoc* committee.

(2) Any such committee shall consist of councillors only:

20 Provided that an *ad hoc* committee may with the sanction of the Corporation co-opt not more than three persons who are not councillors but who in the opinion of the Corporation possess special qualifications for serving on such committee.

### CHAPTER III

#### FUNCTIONS OF THE CORPORATION

25 40. (1) Subject to the provisions of this Act and the rules, regulations and bye-laws made thereunder the municipal government of Delhi shall vest in the Corporation. General powers of the Corporation.

(2) Without prejudice to the generality of the provisions of subsection (1), it shall be the duty of the Corporation to consider all 30 periodical statements of the receipts and disbursements and all progress reports and pass such resolutions thereon as it thinks fit.

41. It shall be incumbent on the Corporation to make adequate provision by any means or measures which it may lawfully use or take, for each of the following matters, namely:— Obligatory functions of the Corporation.

35 (a) the construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences;

(b) the construction and maintenance of works and means for providing supply of water for public and private purposes;

(c) the scavenging, removal and disposal of filth, rubbish and other obnoxious or polluted matters;

(d) the construction or purchase, maintenance, extension, management and conduct of—

(i) any undertaking for the generation or supply and distribution of electricity to the public, 5

(ii) any undertaking for providing road transport services by mechanically propelled vehicles, and

(iii) any undertaking for providing a sufficient supply of pure and wholesome water; 10

(e) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances;

(f) the regulation of places for the disposal of the dead and the provision of new places for the said purpose;

(g) the registration of births and deaths; 15

(h) public vaccination;

(i) measures for preventing and checking the spread of dangerous diseases;

(j) the establishment and maintenance of hospitals, dispensaries and infant welfare centres and the carrying out of other measures necessary for public medical relief; 20

(k) the construction and maintenance of municipal markets and slaughter houses and the regulation of all markets and slaughter houses;

(l) the regulation and abatement of offensive or dangerous trades or practices; 25

(m) the securing or removal of dangerous buildings and places;

(n) the construction, maintenance, alteration and improvements of public streets, bridges, culverts, causeways and the like; 30

(o) the lighting, watering and cleansing of public streets and other public places;

(p) the removal of obstructions and projections in or upon streets, bridges and other public places; 35

(q) the naming and numbering of streets and premises;

(r) the establishment, maintenance of, and aid to, schools for primary education subject to such grants as may be determined by the Central Government from time to time;

(s) the maintenance of municipal offices; 40

(t) the maintenance and development of the value of all properties vested in or entrusted to the management of, the Corporation; and

5 (u) the fulfilment of any other obligation imposed by or under this Act or any other law for the time being in force.

42. The Corporation may in its discretion provide either wholly or in part for all or any of the following matters, namely:—

Discretionary  
functions of  
the Corporation.

10 (a) the furtherance of education by measures other than the establishment and maintenance of, and aid to, schools for primary education;

(b) the establishment and maintenance of, and aid to, libraries, museums, art galleries, botanical or zoological collections;

15 (c) the laying out or the maintenance of public parks, gardens or recreation grounds;

(d) the planting and care of trees on road sides and elsewhere;

(e) the surveys of buildings and lands;

(f) the registration of marriages;

20 (g) the taking of a census of population;

(h) the civic reception to persons of distinction;

(i) the providing of music or other entertainments in public places or places of public resort;

25 (j) the maintenance of a fire brigade and the protection of life and property in the case of fire;

(k) the acquisition of movable or immovable property for any of the purposes before mentioned, including payment of the cost of investigations, surveys or examinations in relation thereto for the construction or adaptation of buildings necessary for such purposes;

30 (l) the construction and maintenance of—

(i) rest-houses,

(ii) poor-houses,

(iii) infirmaries,

35 (iv) children's homes,

(v) houses for the deaf and dumb and for disabled and handicapped children,

(vi) shelters for destitute and disabled persons;

(m) the construction and maintenance of cattle pounds;

(n) the building or purchase and maintenance of dwelling houses for municipal officers and other municipal employees;

(o) any measures for the welfare of the municipal officers and other municipal employees or any class of them;

(p) the organisation or management of chemical or bacteriological laboratories for the examination or analysis of water, food and drugs for the detection of diseases or research connected with the public health or medical relief;

(q) the provision for unfiltered water supply;

(r) the improvement of Delhi in accordance with improvement schemes approved by the Corporation;

(s) the provision of housing accommodation for the inhabitants of any area or for any class of inhabitants; and

(t) any measure not hereinbefore specifically mentioned, likely to promote public safety, health, convenience or general welfare.

## CHAPTER IV

### MUNICIPAL AUTHORITIES UNDER THE CORPORATION

#### *Municipal authorities*

Enumeration  
of municipal  
authorities.

43. For the efficient performance of its functions, there shall be the following municipal authorities under the Corporation, namely:—

- (a) the Standing Committee;
- (b) the Delhi Electric Supply Committee;
- (c) the Delhi Transport Committee;
- (d) the Delhi Water Supply and Sewage Disposal Committee;
- (e) the Commissioner;
- (f) the General Manager (Electricity); and
- (g) the General Manager (Transport).

#### *The Standing Committee*

Constitution  
of the  
Standing  
Committee.

44. (1) The Standing Committee shall consist of twelve members who shall be elected by the councillors from among themselves at the first meeting of the Corporation after each general election or as soon as possible at any other meeting subsequent thereto.

(2) On and from the date of such election the Standing Committee shall be deemed to have been constituted.

(3) One-half of the members of the Standing Committee shall retire on the expiration of one year from the date of its constitution and for that purpose they shall be selected by lot before the said

expiration in such manner as the Chairman of the Standing Committee may determine.

(4) During each succeeding year the members who have been longest in office shall retire therefrom:

5     Provided that in the case of a member who has been re-elected the term of his office shall for the purpose of this sub-section be computed from the date of his re-election.

(5) The Corporation shall in an ordinary meeting held before the occurrence of the vacancies caused by the retirement of the  
10 members under sub-section (3) or sub-section (4), elect the requisite number of members from amongst the councillors to fill up those vacancies.

(6) Any councillor who ceases to be a member of the Standing Committee shall be eligible for re-election.

15     45. (1) When a casual vacancy occurs in the office of a member of the Standing Committee, the Corporation shall fill up the vacancy, as soon as may be after, and in any case within one month of, the occurrence of the vacancy, by the election of another councillor. Casual vacancies.

(2) A member elected to fill a casual vacancy shall be elected  
20 to serve for the remainder of his predecessor's term of office.

46. (1) The Standing Committee shall at its first meeting in each year elect one of its members to be the Chairman and another member to be the Deputy Chairman. Chairman and Deputy Chairman of the Standing Committee.

(2) The Chairman or the Deputy Chairman of the Standing  
25 Committee shall hold office from the date of his election until the election of his successor in office unless in the meantime he resigns his office as Chairman or Deputy Chairman or his term of office as member of the Standing Committee is in any manner determined or unless in the case of the Deputy Chairman he is elected as  
30 Chairman.

(3) On the occurrence of any casual vacancy in the office of the Chairman or the Deputy Chairman, the Standing Committee shall within one month of the occurrence of such vacancy elect one of its members as Chairman or Deputy Chairman, as the case may be, and  
35 the Chairman or the Deputy Chairman so elected shall hold office for the remainder of his predecessor's term.

47. (1) Any member of the Standing Committee may resign his office by writing under his hand addressed to the Chairman; and the Chairman may resign his office by writing under his hand  
40 addressed to the Mayor. Resignation of Chairman and members of the Standing Committee.

(2) A resignation under sub-section (1) shall take effect from the date specified for the purpose in the writing referred to in that

sub-section, or if no such date is specified, from the date of its receipt by the Chairman or the Mayor, as the case may be.

Functions of  
the Stand-  
ing Com-  
mittee.

48. The Standing Committee shall exercise such powers and perform such functions as are specifically conferred or imposed upon it by or under this Act.

5

*The Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee*

Constitution  
of the Delhi  
Electric  
Supply  
Committee,  
etc.

49. (1) The Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee shall each consist of seven members of whom four shall be elected by the councillors from among themselves at the first meeting of the Corporation after each general election or as soon as possible at any other meeting subsequent thereto.

10

(2) The remaining three members of each such Committee shall be nominated by the Central Government from among persons having knowledge and experience of administration and industrial, commercial, financial or labour matters and having also knowledge and experience of—

15

(a) electrical engineering or management of any electric supply undertaking, in the case of the Delhi Electric Supply Committee;

20

(b) management of any transport undertaking, in the case of the Delhi Transport Committee;

(c) management of any water supply or sewage disposal undertaking, in the case of the Delhi Water Supply and Sewage Disposal Committee.

25

(3) The nomination of the members of each such committee shall be made and communicated by the Central Government to the Commissioner before the election by the Corporation of the other members of that committee.

30

(4) Every such committee shall be deemed to have been constituted on and from the date of the election of the four members thereof by the Corporation.

(5) One-half of the elected members of each such committee shall retire on the expiration of one year from the date of its constitution and for that purpose they shall be selected by lot before the said expiration in such manner as the chairman of that committee may determine.

35

(6) During each succeeding year the elected members who have been longest in office shall retire therefrom:

40



Provided that in the case of a member who has been re-elected the term of his office shall for the purpose of this sub-section be computed from the date of his re-election.

(7) The Corporation shall in an ordinary meeting held before  
5 the occurrence of the vacancies caused by the retirement of the elected members under sub-section (5) or sub-section (6) elect the requisite number of members from among the councillors to fill up those vacancies.

(8) A nominated member shall hold office for such period as the  
10 Central Government may determine in each case and shall be entitled to receive allowances for attendance at meetings of the committee at such rate as may be determined by rules made in this behalf.

(9) Notwithstanding anything contained in the foregoing provisions  
15 of this section, no person shall be elected at the same time as a member of more than one of the committees constituted under this section.

50. (1) When a vacancy occurs in the office of a member of any  
of the committees constituted under section 49, the vacancy shall  
20 be filled up as soon as may be after, and in any case within one month of, the occurrence thereof, by the Corporation by the election of a councillor or as the case may be, by the Central Government by the nomination of a suitable person as a member.

Filling up of vacancies.

(2) A member elected to fill a casual vacancy shall be elected  
25 to serve for the remainder of his predecessor's term of office.

51. The provisions contained in sections 46 and 47 shall apply in  
relation to the Delhi Electric Supply Committee, the Delhi Transport  
Committee and the Delhi Water Supply and Sewage Disposal  
Committee as they apply in relation to the Standing Committee.

Application of sections 46 and 47.

52. The Delhi Electric Supply Committee, the Delhi Transport  
30 Committee and the Delhi Water Supply and Sewage Disposal Committee shall respectively be responsible for the conduct and management of the Delhi Electric Supply Undertaking, the Delhi Transport Undertaking and the Delhi Water Supply and Sewage  
35 Disposal Undertaking and for the efficient discharge of such responsibility shall exercise such powers and perform such functions as are conferred or imposed by or under this Act.

Functions of the Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee.

#### *The Commissioner*

53. (1) The Central Government shall, by notification in the  
40 Official Gazette, appoint a suitable person as the Commissioner of the Corporation.

Appointment, etc., of the Commissioner.

(2) The Commissioner so appointed shall hold office for a term of four years in the first instance:

Provided that his appointment may be renewed from time to time for a term not exceeding two years at a time:

Provided further that where the Commissioner holds a lien on any service under the Government, the Central Government may at any time require the Corporation to replace his services at the disposal of that Government.

(3) The Central Government—

(a) shall remove the Commissioner from office if at a special meeting of the Corporation called for the purpose a resolution for such removal has been passed by a majority of not less than two-thirds of the total number of councillors;

(b) may remove the Commissioner from office at any time if it appears to that Government that he is incapable of performing the duties of his office or has been guilty of neglect or misconduct in the discharge of such duties, which renders his removal expedient.

(4) The Commissioner shall not undertake any work unconnected with his office without the sanction of the Central Government and of the Corporation.

Salary and allowances of the Commissioner.

54. The Commissioner shall be paid out of the Municipal Fund such monthly salary and such monthly allowances, if any, as may from time to time be fixed by the Central Government and may be given such facilities (if any) in relation to residential accommodation, conveyance and the like as may from time to time be fixed by the Government:

Provided that the salary of the Commissioner shall not be varied to his disadvantage after his appointment.

Leave of absence of Commissioner.

55. (1) Leave may be granted to the Commissioner by the Central Government on the recommendation of the Standing Committee.

(2) Whenever such leave is granted to the Commissioner the Central Government shall appoint another person to officiate as Commissioner in his place.

Appointment of officiating Commissioner in case of death, resignation or removal of Commissioner.

56. If any vacancy occurs in the office of the Commissioner on account of death, resignation or removal, the Central Government may appoint another person to officiate as Commissioner in his place for a term not exceeding two months, pending the appointment of a Commissioner under section 53.

Service regulations of Commissioner.

57. (1) If the Commissioner is an officer in the service of the Government, the Corporation shall make such contribution towards his leave allowances, pension and provident fund as may be required by the conditions of his service under the Government, to be paid by him or for him, as the case may be.

(2) If the Commissioner is not an officer in the service of the Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contribution payable respectively from his salary and from the Municipal Fund shall be governed by rules:

Provided that—

(a) the amount of any such leave and leave allowances, gratuity or pension shall in no case, without the special sanction of the Central Government, exceed what would be admissible in the case of Government servants of similar standing and status; and

(b) the conditions under which such allowances, gratuity or pension are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

58. Save as otherwise provided in this Act, the entire executive power for the purpose of carrying out the provisions of this Act other than those pertaining to the Delhi Electric Supply Undertaking or the Delhi Transport Undertaking and of any other Act for the time being in force which confers any power or imposes any duty on the Corporation, shall vest in the Commissioner who shall also—

Functions of the Commissioner.

(a) exercise all the powers and perform all the duties specifically conferred or imposed upon him by this Act or by any other law for the time being in force;

(b) prescribe the duties of, and exercise supervision and control over the acts and proceedings of, all municipal officers and other municipal employees other than the Municipal Secretary and the Municipal Chief Auditor and the Municipal officers and other municipal employees immediately subordinate to them and subject to any regulation that may be made in this behalf, dispose of all questions relating to the service of the said officers and other employees and their pay, privileges, allowances and other conditions of service;

(c) on the occurrence or threatened occurrence of any sudden accident or any unforeseen event or natural calamity involving or likely to involve extensive damage to any property of the Corporation, or danger to human life, take such immediate action as he considers necessary and make a report forthwith to the Standing Committee and the Corporation of the action he has taken and the reasons for the same as also of the amount

of cost, if any, incurred or likely to be incurred in consequence of such action, which is not covered by a budget-grant;

(d) exercise the powers and perform the duties conferred or imposed by or under this Act upon the General Manager (Electricity) or the General Manager (Transport) in his absence 5 or on failure by him to exercise or perform the same.

*The General Manager (Electricity) and the General Manager (Transport)*

Appoint-  
ment, etc.,  
of the  
General  
Managers.

59. (1) The Corporation shall, with the approval of the Central Government, appoint two suitable persons respectively as the 10 General Manager (Electricity) and the General Manager (Transport).

(2) Each of the two General Managers shall be appointed for a term of five years in the first instance but such appointment may be renewed from time to time with the approval of the Central Government for a term not exceeding five years at a time. 15

(3) The Corporation shall remove from office any of the General Managers if at a special meeting of the Corporation called for the purpose a resolution for such removal is passed by a majority of not less than two-thirds of the total number of councillors on the ground of neglect or misconduct or incapacity for the duties of his office, 20 on the part of such General Manager.

(4) Any of the General Managers shall not undertake any work unconnected with his office without the sanction of the Corporation.

Salary and  
allowances  
of General  
Managers.

60. Each of the General Managers shall be paid out of the Municipal Fund such monthly salary and such allowances, if any 25 as may from time to time be fixed by the Corporation with the approval of the Central Government.

Leave of  
absence to  
the General  
Managers,  
etc.

61. (1) Leave may be granted with the approval of the Corpora-  
tion—

(a) to the General Manager (Electricity) by the Delhi 30  
Electric Supply Committee;

(b) to the General Manager (Transport) by the Delhi  
Transport Committee.

(2) Whenever any such leave is granted to any of the General Managers the Corporation shall appoint another person to 35 officiate in his place.

(3) If any vacancy occurs in the office of any of the General Managers on account of death, resignation or removal, the Corporation may appoint another person to officiate in his place:

Provided that no appointment under sub-section (2) or sub-section (3) for a period exceeding three months shall be made except with the approval of the Central Government.

62. The Corporation may make regulations relating to the conditions of service of the two General Managers.

Service regulations of the General Managers.  
Functions of the General Managers.

63. (1) Save as otherwise provided in this Act,—

(a) the entire executive power for the purpose of carrying out the provisions of this Act pertaining to the Delhi Electric Supply Undertaking shall vest in the General Manager (Electricity) who shall also—

(i) exercise all the powers and perform all the duties specifically conferred or imposed upon him by or under this Act and perform such other functions in connection with the Delhi Electric Supply Undertaking as may be required of him by the Delhi Electric Supply Committee and the Corporation;

(ii) prescribe the duties of, and exercise supervision and control over all acts and proceedings of, all municipal officers and other municipal employees employed in connection with the Delhi Electric Supply Undertaking and subject to such regulations as may be made in this behalf, dispose of all matters relating to the service of the said officers and other employees and their pay, privileges, allowances and other conditions of service;

(iii) on the occurrence or threatened occurrence of any sudden accident or any unforeseen event or natural calamity involving or likely to involve extensive damage to any property of the Corporation pertaining to the Delhi Electric Supply Undertaking or danger to human life arising from or in connection with any part of that Undertaking, take such immediate action as may appear necessary to him and after such action has been taken, make a report forthwith to the Delhi Electric Supply Committee and the Corporation of the action he has taken and the reasons for the same as also the amount of cost, if any, incurred or likely to be incurred in consequence of such action which is not covered by a budget-grant;

(b) the entire executive power for the purpose of carrying out the provisions of this Act pertaining to the Delhi Transport Undertaking shall vest in the General Manager (Transport).

(2) The General Manager (Transport) shall exercise the same powers and perform the same duties in connection with the Delhi

Transport Undertaking as are exercised and performed by the General Manager (Electricity) in connection with the Delhi Electric Supply Undertaking under sub-clauses (i), (ii) and (iii) of clause (a) of sub-section (1).

*Miscellaneous provisions relating to the various municipal authorities* 5

Appoint-  
ment of  
sub-com-  
mittees by  
the various  
committees.

64. (1) The Standing Committee, the Delhi Electric Supply Committee, the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee may appoint from among its own members any sub-committee consisting of such number as that committee may think fit for exercising any power or performing any function of that committee under this Act or for inquiring into or reporting or advising upon any matter which that committee may refer to such sub-committee. 10

(2) Every such sub-committee shall conform to such instructions as may be given to it by the committee by which it has been appointed. 15

Commis-  
sioner and  
General  
Managers  
not to be  
interested  
in any  
contract,  
etc., with  
the Corpo-  
ration.

65. (1) A person shall be disqualified for being appointed as the Commissioner, the General Manager (Electricity) or the General Manager (Transport) who has, directly or indirectly, by himself or by a partner, or any other person, any share or interest in any contract made with, or any work being done for, the Corporation other than as such Commissioner, or General Manager, as the case may be. 20

(2) If the Commissioner, or any of the General Managers acquires directly or indirectly, by himself or by his partner, or any other person, any share or interest in any such contract or work as is referred to in sub-section (1), he shall unless the Corporation in any particular case otherwise decides, be liable to be removed from his office by the order of the authority competent to remove him under the provisions of this Act: 25 30

Provided that before an order of removal is made the Commissioner or such General Manager shall be given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him. 35

vacation of  
seats by  
members of  
committees.

66. (1) If an elected member of the Standing Committee, the Delhi Electric Supply Committee, the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee ceases to be a councillor, he shall cease to be a member of that committee and his seat shall thereupon become vacant. 40

(2) If a member of the Standing Committee, the Delhi Electric Supply Committee, the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee, absents himself during three successive months from the meetings of the committee except on account of illness or any other cause approved by the committee, or absents himself during six successive months from the meetings of the committee on account of any cause whatsoever, whether approved by the committee or not, he shall cease to be a member of the committee and his seat shall thereupon become vacant.

67. The Standing Committee, the Delhi Electric Supply Committee, the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee shall continue to function until a new committee is constituted in accordance with the provisions of this Act notwithstanding that the members or some of the members of such committee have ceased to be councillors.

Committees to continue in office till new Committees are constituted.

68. The Corporation may at any time call for any extract of any proceedings of the Standing Committee, the Delhi Electric Supply Committee, the Delhi Transport Committee, the Delhi Water Supply and Sewage Disposal Committee, the Delhi Rural Areas Committee or of any other committee or sub-committee constituted or appointed under this Act and for any return, statement, account or report concerning or connected with any matter with which any such committee or sub-committee is empowered by or under this Act to deal; and every such requisition shall be complied with by any such committee or sub-committee without any unreasonable delay.

Power of Corporation to call for extracts of proceedings from the committees.

69. (1) The Corporation may at any time require the Commissioner—

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner or which is recorded or filed in his office or in the office of any municipal officer or other municipal employee subordinate to him;

Power of Corporation to require the Commissioner, etc., to produce documents and furnish returns reports etc.

(b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter pertaining to the administration of this Act or the municipal government of Delhi except in regard to the Delhi Electric Supply Undertaking, or the Delhi Transport Undertakings;

(c) to furnish a report by himself or to obtain from the head of any department subordinate to him and furnish with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal government of Delhi except in regard to the Delhi Electric Supply Undertaking or the Delhi Transport Undertaking.

(2) Every such requisition shall be complied with by the Commissioner without any unreasonable delay; and it shall be incumbent on every municipal officer and other municipal employee to obey any order made by the Commissioner in pursuance of any such requisition:

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Provided that the Commissioner shall not be bound to comply with any such requisition if with the previous approval of the Mayor he makes a statement that such compliance would be prejudicial to public interest or to the interests of the Corporation.

(3) In their application to matters relating to the Delhi Electric Supply Undertaking or the Delhi Transport Undertaking, the provisions of sub-sections (1) and (2) shall have effect as if for the word "Commissioner", the words and brackets "General Manager (Electricity)", or as the case may be, the words and brackets "General Manager (Transport)" had been substituted.

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Exercise of powers to be subject to sanction.

70. Save as otherwise provided in this Act, the exercise of any power or the performance of any duty conferred or imposed upon the Corporation or any municipal authority by or under this Act, which will involve expenditure, shall be subject to the following conditions, namely:—

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(a) that such expenditure, in so far as it is to be incurred in the year in which such power is exercised or duty performed, shall be provided for under a current budget-grant; and

(b) that if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said year, such expenditure shall not be incurred without the sanction—

(i) of the Standing Committee or, as the case may be, the Delhi Electric Supply Committee or the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee, if it is incurred in the year next following such year, or

(ii) of the Corporation, if it is incurred at any time after the next following year.

## CHAPTER V

35

### PROCEDURE

#### *Transaction of business by the Corporation*

Meetings.

71. (1) The Corporation shall ordinarily hold at least one meeting every month for the transaction of business.

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(2) The Mayor or in his absence the Deputy Mayor may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one-fourth of the total number of councillors, convene a special meeting of the Corporation.

- 5 (3) Any meeting may be adjourned until the next or any subsequent date, and an adjourned meeting may be further adjourned in like manner.

72. The first meeting of the Corporation after a general election shall be held as early as possible after the publication of the results of such election under section 13 and shall be convened by the Commissioner. First meeting after general election.

73. A list of the business to be transacted at every meeting except at an adjourned meeting shall be sent to the registered address of each councillor at least seventy-two hours before the time fixed for such meeting; and no business shall be brought before, or transacted at, any meeting other than the business of which a notice has been so given: Notice of meetings and business

Provided that any councillor may send or deliver to the Municipal Secretary notice of any resolution going beyond the matters mentioned in the notice given of such meeting so as to reach him at least forty-eight hours before the date fixed for the meeting and the Municipal Secretary shall with all possible despatch take steps to circulate such resolution to every councillor in such manner as he may think fit.

25 *Explanation.*—In this section, “the registered address” of a councillor means the address for the time being entered in the register of addresses of councillors maintained in this behalf by the Municipal Secretary.

74. (1) The quorum necessary for the transaction of business at a meeting of the Corporation shall be one-fifth of the total number of councillors. Quorum.

(2) If at any time during a meeting of the Corporation there is no quorum, it shall be the duty of the Mayor or the person presiding over such meeting either to adjourn the meeting or to suspend the meeting until there is a quorum.

(3) Where a meeting has been adjourned under sub-section (2), the business which would have been brought before the original meeting if there had been a quorum present thereat, shall be brought before, and may be transacted at an adjourned meeting, whether there is a quorum present or not.

75. (1) The Mayor or in his absence, the Deputy Mayor, shall preside at every meeting of the Corporation. Presiding officer.

(2) In the absence of both the Mayor and Deputy Mayor from the meeting, the councillors present shall elect one from among their own number to preside.

(3) The Mayor or the person presiding over a meeting shall have and exercise a second or a casting vote in all cases of equality of 5 votes.

Presiding  
Officer at  
meeting for  
the election  
of Mayor.

76. (1) Notwithstanding anything contained in section 75, at a meeting for the election of a Mayor the Administrator shall nominate a councillor who is not a candidate for such election to preside over the meeting.

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(2) If during the election of Mayor it appears that there is an equality of votes between any candidates at such election and that the addition of a vote would entitle any of those candidates to be elected as Mayor, then, the person presiding over the meeting shall decide between them by lot to be drawn in the presence of the 15 candidates and in such manner as he may determine, and the candidate on whom the lot falls shall be deemed to have received an additional vote.

Method of  
deciding  
questions.

77. (1) Save as otherwise provided in this Act, all matters required to be decided by the Corporation shall be decided by the majority 20 of the votes of the councillors present and voting.

(2) The voting shall be by show of hands; but the Corporation may, subject to such regulations as may be made by it, resolve that any question or class of questions shall be decided by ballot.

(3) At any meeting, unless voting be demanded by at least five 25 members a declaration by the presiding officer at such meeting that a resolution has been carried or lost, and an entry to that effect in the minutes of the proceedings shall, for the purposes of this Act, be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution. 30

(4) If voting as aforesaid is demanded, the votes of all the councillors present who desire to vote shall be taken under the direction of the presiding officer at the meeting and the result of the voting shall be deemed to be the resolution of the Corporation 35 at such meeting.

Maintenance  
of order at,  
and admission  
of public to  
meetings;  
withdrawal  
and suspension  
of councillors.

78. (1) The Mayor or the person presiding over a meeting shall preserve order thereat and shall have all powers necessary for the purpose of preserving such order.

(2) The Mayor or the person presiding over a meeting may direct any councillor whose conduct is in his opinion grossly dis- 40 orderly to withdraw immediately from the meeting, and any

councillor so directed to withdraw shall do so forthwith and shall absent himself during the remainder of the meeting.

(3) If any councillor is ordered to withdraw a second time within fifteen days the Mayor or the person presiding may suspend such councillor from attending the meetings of the Corporation for any period not exceeding fifteen days and the councillor so suspended shall absent himself accordingly:

Provided that the Mayor may at any time decide that such suspension be terminated:

10 Provided further that such suspension shall not debar the suspended councillor from serving on any committee of the Corporation of which he is a member.

(4) Subject to sub-section (5) every meeting shall be open to the public, unless a majority of the councillors present at the meeting decide that any inquiry or deliberation pending before the Corporation shall be held in private.

(5) The Corporation may make regulations for the purpose of admission of the members of the public to its meetings and for the removal by force, if necessary, of any member of the public admitted to a meeting for interrupting or disturbing the proceedings of the meeting.

(6) In the case of grave disorder arising in a meeting the Mayor or the person presiding may, if he thinks it necessary to do so, adjourn the meeting to a date specified by him.

25 79. No councillor shall vote at a meeting of the Corporation or of any committee thereof on any question relating to his own conduct or on any matter (other than a matter affecting generally the residents of Delhi or of any particular ward), which affects his pecuniary interest or any property in respect of which he is directly or indirectly interested, or any property of or for which he is a manager or agent.

Councillors not to vote on matter in which they are interested.

80. (1) The Commissioner or any municipal officer authorised by him in this behalf may attend, speak in, or otherwise take part in the proceedings of, any meeting of the Corporation or any of its committees; and the General Manager (Electricity) or any municipal officer authorised by him in this behalf and the General Manager (Transport) or any municipal officer authorised by him in this behalf may attend, speak in, or otherwise take part in the proceedings of, any meeting of the Delhi Electric Supply Committee and the Delhi Transport Committee respectively but none of the persons specified herein shall by virtue of this sub-section be entitled to vote in any such meeting.

Right to attend meetings of the Corporation and its committees, etc., and right of councillors to ask questions in relation to the municipal government of Delhi.

(2) A councillor may, subject to the provisions of sub-section (3), ask the Commissioner questions on any matter relating to the

municipal government of Delhi or the administration of this Act or the functions of any of the municipal authorities.

(3) The right to ask a question shall be governed by the following conditions, namely:—

(a) not less than seven clear days' notice in writing specifying the question shall be given to the Municipal Secretary; 5

(b) no question shall—

(i) bring in any name or statement not strictly necessary to make the question intelligible,

(ii) contain arguments, ironical expressions, imputations, epithets or defamatory statements, 10

(iii) ask for an expression of opinion or the solution of a hypothetical proposition,

(iv) ask as to the character or conduct of any person except in his official or public capacity, 15

(v) relate to a matter which is not primarily the concern of the Corporation or of any of the municipal authorities,

(vi) make or imply a charge of a personal character,

(vii) raise questions of policy too large to be dealt with within the limits of an answer to a question, 20

(viii) repeat in substance questions already answered or to which an answer has been refused,

(ix) ask for information on trivial matters,

(x) ordinarily ask for information on matters of past history, 25

(xi) ask for information set-forth in accessible documents or in ordinary works of reference,

(xii) raise matters under the control of bodies or persons not primarily responsible to the Corporation,

(xiii) ask for any information on matter which is under adjudication by a court of law. 30

(4) The Mayor shall disallow any question which is, in his opinion, in contravention of the provisions of sub-section (3).

(5) If any doubt arises whether any question is or is not in contravention of the provisions of sub-section (3), the Mayor shall decide the point and his decision shall be final. 35

(6) The Commissioner shall not be bound to answer a question if in his opinion it cannot be answered without prejudice to public interest or the interest of the Corporation or if it asks for information which has been communicated to him in confidence. 40

(7) Unless otherwise directed by the Mayor or the presiding officer of the meeting, every question shall be answered by the Commissioner at a meeting of the Corporation.

(8) The General Manager (Electricity) and the General Manager (Transport) shall without unreasonable delay furnish the Commissioner with such information relating respectively to the Delhi Electric Supply Undertaking and the Delhi Transport Undertaking as the Commissioner may require for the purpose of answering any question under this section.

81. The Corporation may make regulations for the transaction of business at its meeting: Power to make regulations.

Provided that the time, place and procedure for the first meeting after the constitution of the Corporation under section 3 shall be determined by the Administrator.

*Transaction of business by Standing and other committees*

82. (1) The Chairman or in his absence the Deputy Chairman shall preside at every meeting of the Standing Committee, the Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee or any other committee of the Corporation. Presiding officers at meetings of the Standing and other committees.

(2) In the absence of the Chairman and the Deputy Chairman from any meeting the members of any such committee shall choose one of their number to preside over the meeting.

83. The Corporation may make regulations for the conduct of business at meetings of the Standing Committee and other committees. Conduct of business at meetings of Standing and other committees.

*Minutes and reports of proceedings*

84. Minutes, in which shall be recorded the names of the councillors present at, and the proceedings of each meeting of the Corporation and of the Standing Committee and every other committee of the Corporation, shall be drawn up and recorded in a book to be kept for that purpose, and shall be laid before the next ensuing meeting of the Corporation or of such committee, as the case may be, and signed at such meeting by the presiding officer thereof. Keeping of minutes and proceedings.

85. Minutes referred to in section 84 and the full reports, if any, of the proceedings of meetings of the Corporation shall at all reasonable times be kept open at the municipal office for inspection by any councillor without charge, and by any other person on payment of a fee of eight annas. Inspection of minutes and reports of proceedings.

Forwarding minutes and reports of proceedings to the administrator.

86. (1) The Municipal Secretary shall forward to the Administrator a copy of the minutes of the proceedings of each meeting of the Corporation, within ten days from the date on which the minutes of the proceedings of such meeting were signed under section 84.

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(2) The Administrator may also in any case ask for a copy of any paper or all the papers which were laid before the Corporation or any committee thereof and the Municipal Secretary shall forward to the Administrator a copy of such paper or papers.

(3) The Municipal Secretary shall also forward to the Administrator as soon as may be after the date referred to in sub-section (1), a full report of the proceedings of each meeting of the Corporation, if any such report be prepared.

#### Validation

Validation of proceedings, etc.

87. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of—

(a) the existence of any vacancy in, or any defect in the constitution of, the Corporation, or in any committee thereof;

(b) any councillor having voted or taken part in any proceedings in contravention of section 79;

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(c) any defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Corporation or of any committee thereof, the minutes of the proceedings of which have been duly signed as prescribed by section 84, shall be deemed to have been duly convened and to be free from all defects and irregularities.

## CHAPTER VI

### MUNICIPAL OFFICERS AND OTHER MUNICIPAL EMPLOYEES

Appointment of certain officers.

88. (1) The Corporation shall appoint suitable persons to be respectively the Chief Engineer (Water Supply), the Municipal Engineer, the Municipal Health Officer, the Education Officer, the Municipal Chief Accountant, the Municipal Secretary and the Municipal Chief Auditor and may appoint one or more Deputy Commissioners and such other officer or officers of a status equivalent to or higher than the status of any of the officers specified earlier in this sub-section as the Corporation may deem fit on such monthly salaries and such allowances, if any, as may be fixed by the Corporation.

(2) The appointment of the Municipal Chief Auditor shall be made with the previous approval of the Central Government and every other appointment referred to in sub-section (1) except that

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of the Municipal Chief Accountant and the Municipal Secretary shall be subject to confirmation by that Government:

Provided that the Municipal Chief Auditor shall not be eligible for any other office under the Corporation after he has ceased to hold his office.

89. (1) The appropriate authority shall from time to time prepare and lay before the committee concerned two schedules of posts other than those specified in sub-section (1) of section 88 setting forth the designations and grades of municipal officers and other municipal employees who should be maintained permanently in the service of the Corporation indicating therein the salaries, fees and allowances which are proposed to be paid to such officers and other employees.

Schedule of permanent posts and creation of temporary posts.

(2) Of the two schedules referred to in sub-section (1), the first schedule shall deal with posts with a minimum monthly salary of not less than three hundred and fifty rupees and the second with posts with a minimum monthly salary of less than three hundred and fifty rupees.

(3) The committee concerned shall lay the first schedule with its comments thereon before the Corporation for its consideration and approval and shall sanction the second either without modifications or with such modifications as it thinks fit and thereafter may amend it either on its own motion after ascertaining the views of the appropriate authority or at the instance of such authority.

(4) The Corporation shall after considering the comments of the committee concerned, sanction the first schedule either without modifications or with such modifications as it thinks fit and thereafter may amend it either on its own motion after ascertaining the views of the appropriate authority and the committee concerned or at the instance of such authority or committee.

(5) The appropriate authority may create for a period not exceeding six months any post carrying a minimum monthly salary (exclusive of allowances) of less than five hundred rupees:

Provided that no such post shall be continued beyond the said period without the previous approval of the Committee concerned.

(6) The committee concerned may, on the recommendation of the appropriate authority, create for a period not exceeding six months any post carrying a minimum monthly salary (exclusive of allowances) of five hundred rupees or more:

Provided that no such post shall be continued beyond the said period without the previous approval of the Corporation.

(7) In this section, "appropriate authority" and "committee concerned" mean respectively,—

(i) in relation to officers and other employees appointed in connection with the affairs of the Delhi Electric Supply Under-

taking, the General Manager (Electricity) and the Delhi Electric Supply Committee;

(ii) in relation to officers and other employees appointed in connection with the affairs of the Delhi Transport Undertaking, the General Manager (Transport) and the Delhi Transport Committee;

(iii) in relation to officers and other employees appointed in connection with the affairs of the Delhi Water Supply and Sewage Disposal Undertaking, the Commissioner and the Delhi Water Supply and Sewage Disposal Committee;

(iv) in relation to all other officers and employees in the service of the Corporation, the Commissioner and the Standing Committee.

Restriction on employment of permanent officers and other employees.

90. No permanent officer or other employee shall be entertained in any department of the municipal administration unless he has been appointed under sub-section (1) of section 88 or his office and emoluments are included in one of the schedules for the time being in force prepared and sanctioned under section 89.

Power to make appointments.

91. Subject to the provisions of section 88 the power of appointing municipal officers and other municipal employees, whether temporary or permanent,—

(a) to posts carrying a minimum monthly salary (exclusive of allowances) of five hundred rupees or more shall vest—

(i) in the Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee respectively in the case of officers and other employees appointed in connection with the affairs of the Delhi Electric Supply Undertaking, the Delhi Transport Undertaking and the Delhi Water Supply and Sewage Disposal Undertaking,

(ii) in the Corporation in the case of all other municipal officers and employees;

(b) to posts carrying a minimum monthly salary (exclusive of allowances) of less than five hundred rupees, shall vest in the General Manager (Electricity), the General Manager (Transport), or the Commissioner, as the case may be:

Provided that the power of appointing officers and other employees immediately subordinate to the Municipal Secretary or the Municipal Chief Auditor, whose minimum monthly salary (exclusive of allowances) is less than five hundred rupees, shall vest in the Standing Committee:

Provided further that the Standing Committee may delegate to the Municipal Secretary or the Municipal Chief Auditor the



power of appointing officers and other employees immediately subordinate to such Secretary or Auditor, whose minimum monthly salary (exclusive of allowances) is not more than two hundred and fifty rupees.

- 5     **92.** No municipal officer or other municipal employee shall undertake any work unconnected with his duties under this Act except with the permission of the Corporation.

Officers and other employees not to undertake any extraneous work.

- 10     **93.** (1) A person shall be disqualified for being appointed as a municipal officer or employee if he has, directly or indirectly, by himself or by a partner or any other person any share or interest in any contract made with, or any work being done for, the Corporation other than as such officer or employee.

Officers and other employees not to be interested in any contract etc., with the Corporation.

- 15     (2) If any such officer or other employee acquires, directly or indirectly, by himself or by a partner or any other person, any share or interest in any such contract or work as is referred to in sub-section (1), he shall, unless the authority appointing him in any particular case otherwise decides, be liable to be removed from his office by an order of such authority:

- 20     Provided that before an order of removal is made, such officer or other employee shall be given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

- 25     **94.** (1) Every municipal officer or other municipal employee shall be liable to have his increments or promotion withheld or to be censored, reduced in rank, compulsorily retired, removed or dismissed for any breach of departmental regulations or of discipline or for carelessness, neglect of duty or other misconduct, by the authority by which such officer or other employee has been appointed:

Punishment for municipal officers and other employees.

- 30     Provided that the Corporation may by regulation provide that municipal employees belonging to such classes or categories as may be specified in the regulations shall be liable also to be fined by such authority as may be specified therein.

- 35     (2) No such officer or other employee shall be punished under sub-section (1) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided that this sub-section shall not apply—

(a) where an officer or other employee is removed or dismissed on the ground of conduct which had led to his conviction on a criminal charge; or

(b) where the authority empowered to remove or dismiss such officer or other employee is satisfied that for some reason to be recorded by that authority, it is not reasonably practicable to give that person an opportunity of showing cause.

(3) If any question arises whether it is reasonably practicable to give to any officer or other employee an opportunity of showing cause under sub-section (2), the decision thereon of the authority empowered to remove or dismiss such officer or other employee shall be final.

(4) An officer or other employee upon whom a punishment has been inflicted under this section may appeal to such officer or authority as may be prescribed by regulations.

Consultation with the Union Public Service Commission.

95. No appointment to any post carrying a minimum monthly salary of three hundred and fifty rupees or more (exclusive of allowance) shall be made except after consultation with the Union Public Service Commission (hereafter in this Chapter referred to as "the Commission"):

Provided that no such consultation with the Commission shall be necessary in regard to the selection for appointment—

(a) to any acting or temporary post for a period not exceeding one year; or

(b) to such ministerial posts as may from time to time be specified by the Corporation in consultation with the Commission when such posts are to be filled by promotion; or

(c) to a post when at the time of such appointment the person to be appointed thereto is in the service of the Central Government or a State Government in a class I post; or

(d) to a permanent or temporary post, if the officer or other employee to be appointed is not likely to hold that post for more than one year; or if such officer or other employee is likely to hold the post for more than one year but not more than three years and the Commission advises that the appointment may be made without consulting the Commission.

Power of Commission to make regulations and reference to the Central Government in case of difference between the Commission and the Corporation.

96. (1) The Commission may after consultation with the Corporation make regulations for the following matters, namely:—

(a) the procedure to be followed by the Commission in advertising posts, inviting applications, scrutinizing the same and selecting candidates for interview;

(b) the procedure to be followed by the Commission for selecting candidates for appointment and by the Corporation for consultation with the Commission;

(c) any other matter which is incidental to, or necessary for, the purpose of consultation with the Commission.

(2) In the case of any difference of opinion between the Commission and the Corporation on any matter, the Corporation shall refer the matter to the Central Government and the decision of that Government thereon shall be final.

5     97. (1) The Corporation may make regulations to provide for any one or more of the following matters, namely:—

Power of Corporation to make regulations.

10         (a) the tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence and other conditions of service of officers and other employees appointed under this Chapter;

       (b) the powers, duties and functions of the Municipal Secretary;

15         (c) the qualifications of candidates for appointment to posts specified in sub-section (1) of section 88 and to posts dealt with in the first schedule of posts referred to in sub-section (2) of section 89;

       (d) the procedure to be followed in imposing any penalty under sub-section (1) of section 94 and the officer or authority to whom an appeal shall lie under sub-section (4) of that section;

20         (e) any other matter which is incidental to, or necessary for, the purpose of regulating the appointment and conditions of service of persons appointed to services and posts under the Corporation and any other matter for which in the opinion of the Corporation provisions should be made by regulations.

25     (2) No regulation under clause (c) of sub-section (1) in respect of any post for appointment whereto consultation with the Commission is necessary under section 95, shall be made except after consultation with the Commission.

## CHAPTER VII

### 30                     REVENUE AND EXPENDITURE

#### *The Municipal Fund*

98. (1) Save as otherwise provided in this Act,—

Constitution of the Municipal Fund.

35         (a) all funds which immediately before the establishment of the Corporation vested in any body or local authority specified in the second schedule;

       (b) all moneys received by or on behalf of the Corporation under the provisions of this Act or of any other law for the time being in force, or under any contract;

(c) all proceeds of the disposal of property by, or on behalf of, the Corporation;

(d) all rents accruing from any property of the Corporation;

(e) all moneys raised by any tax, rate or cess levied for the purposes of this Act; 5

(f) all fees collected and all fines levied under this Act or under any rule, regulation or bye-law made thereunder;

(g) all moneys received by or on behalf of the Corporation from the Government or any individual or association of individuals by way of grant or gift or deposit; 10

(h) all moneys received by or on behalf of the Corporation in respect of the operations of the Delhi Electric Supply Undertaking, the Delhi Transport Undertaking and the Delhi Water Supply and Sewage Disposal Undertaking;

(i) all interests and profits arising from any investment of, 15 or from any transaction in connection with, any money belonging to the Corporation, including loans advanced under this Act; and

(j) all moneys received by or on behalf of the Corporation from any other source whatsoever, 20 shall form one Fund to be entitled the Municipal Fund of Delhi (hereafter in this Act referred to as "the Municipal Fund").

(2) The Municipal Fund shall be held by the Corporation in trust for the purposes of this Act subject to the provisions herein contained and shall be maintained in the following four accounts, namely:— 25

(a) the Electric Supply Account relating to all moneys received by or on behalf of the Corporation in respect of the operations of the Delhi Electric Supply Undertaking;

(b) the Transport Account relating to all moneys received by or on behalf of the Corporation in respect of the operations of 30 the Delhi Transport Undertaking;

(c) the Water Supply and Sewage Disposal Account relating to all moneys received by or on behalf of the Corporation in respect of the operations of the Delhi Water Supply and Sewage Disposal Undertaking; and 35

(d) the General Account relating to all moneys received by or on behalf of the Corporation other than those specified in clause (a) or clause (b) or clause (c).

Municipal  
Fund to be  
kept in the  
State Bank  
of India.

99. (1) All moneys payable to the credit of the Municipal Fund in the Water Supply and Sewage Disposal Account and the General 40 Account shall be received by the Commissioner and shall be forthwith paid into the State Bank of India to the credit of the said Accounts

which shall be respectively entitled "The Water Supply and Sewage Disposal Account of the Municipal Fund of Delhi" and "The General Account of the Municipal Fund of Delhi".

(2) All moneys payable to the credit of the Municipal Fund in the Electric Supply Account shall be received by the General Manager (Electricity) and shall be forthwith paid into the State Bank of India to the credit of the Electric Supply Account which shall be entitled "The Electric Supply Account of the Municipal Fund of Delhi".

(3) All moneys payable to the credit of the Municipal Fund in the Transport Account shall be received by the General Manager (Transport) and shall be forthwith paid into the State Bank of India to the credit of the Transport Account which shall be entitled "The Transport Account of the Municipal Fund of Delhi".

100. (1) Save as otherwise provided in this Act no payment shall be made by the State Bank of India out of the Municipal Fund except on a cheque signed by both—

Operation of the Accounts.

(a) the Chief Accountant or an officer subordinate to him authorised by the Standing Committee in this behalf; and

(b) (i) the Commissioner or a Deputy Commissioner or an officer subordinate to the Commissioner authorised by the Standing Committee in this behalf, in the case of the General Account, or

(ii) the General Manager (Electricity) or an officer subordinate to him authorised by the Delhi Electric Supply Committee in this behalf, in the case of the Electric Supply Account, or

(iii) the General Manager (Transport) or an officer subordinate to him authorised by the Delhi Transport Committee in this behalf, in the case of the Transport Account, or

(iv) the Commissioner or the Chief Engineer (Water Supply) or an officer subordinate to the Commissioner authorised by the Delhi Water Supply and Sewage Disposal Committee in this behalf in the case of the Water Supply and Sewage Disposal Account.

(2) Payment of any sum due by the Corporation in excess of one hundred rupees shall be made by means of a cheque signed in accordance with sub-section (1) and not in any other way.

(3) Payments not covered by sub-section (2) may be made in cash.

101. No payment of any sum out of the Municipal Fund shall be made unless the expenditure of the same is covered by a current budget-grant and a sufficient balance of such budget-grant is still available notwithstanding any reduction or transfer thereof which may have been made under the provisions of this Act:

Payments not to be made unless covered by a budget-grant.

Provided that this section shall not apply to payments made in the following classes of cases, namely:—

(a) refund of taxes and other moneys which are authorised under this Act;

(b) repayment of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the Municipal Fund by mistake;

(c) sums payable in any of the following circumstances—

(i) under orders of the Central Government on failure of the Corporation to take any action as required by that Government; or

(ii) under any other enactment for the time being in force; or

(iii) under the decree or order of a civil or criminal court passed against the Corporation; or

(iv) under a compromise of any claim, suit or other legal proceedings; or

(v) on account of cost incurred in taking immediate action by the Corporation or any of the municipal authorities to avert a sudden threat of danger to the property of the Corporation or to human life;

(d) temporary payments for works urgently required by the Central Government in the public interest;

(e) sums payable as compensation under this Act or under any rules, regulations or bye-laws made thereunder;

(f) expenses incurred by the Corporation on special measures taken on the outbreak of dangerous diseases.

Duty of  
persons  
signing  
cheques.

102. Before any person signs a cheque in accordance with section 100, he shall satisfy himself that the sum for which the cheque is drawn is either—

(a) required for a purpose or work specifically sanctioned by the proper authority and covered by a current budget-grant, or

(b) required for any payment referred to, or specified in section 101.

Procedure  
when money  
not covered  
by a budget-  
grant is ex-  
pended.

103. Whenever any sum is expended under clauses (c), (e) or (f) of the proviso to section 101 the Commissioner, or as the case may be, the General Manager (Electricity) or the General Manager (Transport) shall forthwith communicate the circumstances to the Standing Committee, or the Delhi Water Supply and Sewage Disposal

Committee, or as the case may be, the Delhi Electric Supply Committee or the Delhi Transport Committee which may take, or recommend to the Corporation to take, such action under the provisions of this Act as shall, in the circumstances appear possible and expedient for covering the amount of the additional expenditure.

104. (1) The moneys from time to time credited to the Municipal Fund shall be applied in payment of all sums, charges and costs necessary for carrying out the provisions of this Act, and of the rules, regulations and bye-laws made thereunder, or of which payment is duly directed, sanctioned or required by or under any of the provisions of this Act.

Application of Municipal Fund.

(2) Such moneys shall likewise be applied in payment of all sums payable out of the Municipal Fund under any other enactment for the time being in force.

105. (1) On the written requisition of a Secretary to the Central Government, the General Manager (Electricity) in the case of any work in connection with the Delhi Electric Supply Undertaking, the General Manager (Transport) in the case of any work in connection with the Delhi Transport Undertaking and the Commissioner in the case of any other work, may at any time undertake the execution of any work certified by such Secretary to be urgently required in public interest, and for this purpose may temporarily make payments from the Municipal Fund so far as the same can be met without unduly interfering with the regular work of the municipal government.

Temporary payments from the Municipal Fund for works urgently required for the public service.

(2) The cost of work so executed and of the establishment engaged in executing the same shall be paid by the Central Government and credited to the Municipal Fund.

(3) On the receipt of any requisition under sub-section (1) the Commissioner or as the case may be, the General Manager (Electricity) or the General Manager (Transport) shall forthwith forward a copy thereof to the Corporation together with a report of the steps taken by him in pursuance of the same.

106. (1) Surplus moneys standing at the credit of any of the accounts of the Municipal Fund which cannot immediately or at an early date be applied for the purposes specified in section 104 may be transferred by the Corporation either in whole or in part to any other account of that Fund:

Transfer of surplus moneys from one account to another and investment thereof.

Provided that no such money shall be transferred permanently from any of the accounts (other than the Water Supply and Sewage Disposal Account) to any other of the said accounts without the

(2) Surplus moneys which are not transferred under sub-section (1) shall be deposited in the State Bank of India or in such other bank or banks as the Corporation may select or be invested in public securities.

(3) The loss, if any, arising from such deposit or investment shall be debited to the account concerned of the Municipal Fund.

### *Special funds*

Constitution  
of special  
funds.

107. (1) The Corporation shall constitute such special fund or funds as may be prescribed by regulations and such other funds may be necessary for the purposes of this Act as may be so provided. 10

(2) The constitution and disposal of such funds shall be effected in the manner laid down by regulations.

### *Budget estimates*

Adoption of  
budget  
estimates.

108. (1) The Corporation shall, on or before the 31st day of March of every year, adopt for the ensuing year the following budget estimates, namely:— 15

(a) budget estimate (general) which shall be an estimate of the income and expenditure of the Corporation to be received and incurred on account of the municipal government of Delhi;

(b) budget estimate (electric supply) which shall be an estimate of the income and expenditure of the Corporation to be received and incurred on account of the Delhi Electric Supply Undertaking; 20

(c) budget estimate (transport) which shall be an estimate of the income and expenditure of the Corporation to be received and incurred on account of the Delhi Transport Undertaking; 25  
and

(d) budget estimate (water supply and sewage disposal) which shall be an estimate of the income and expenditure of the Corporation to be received and incurred on account of the Delhi Water Supply and Sewage Disposal Undertaking. 30

(2) On or before the 15th day of February of each year the Corporation shall determine the rates at which various municipal taxes, rates and cesses shall be levied in the next following year and save as otherwise provided in this Act the rates so fixed shall not be subsequently altered for the year for which they have been fixed. 35

(3) Budget estimates shall be prepared in such form as may be approved by the Standing Committee and presented and adopted in such manner and shall provide for all such matters as are prescribed by regulations made in this behalf.



109. (1) On the recommendation of—

Power of Corporation to alter budget estimates.

(a) the Standing Committee in respect of the budget estimate (general),

5 (b) the Delhi Electric Supply Committee in respect of the budget estimate (electric supply),

(c) the Delhi Transport Committee in respect of the budget estimate (transport), and

10 (d) the Delhi Water Supply and Sewage Disposal Committee in respect of the budget estimate (water supply and sewage disposal),

the Corporation may from time to time during the year—

(i) increase the amount of any budget-grant under any head,

15 (ii) make an additional budget-grant for the purpose of meeting any special or unforeseen requirement arising during the said year,

(iii) transfer the amount or portion of the amount of the budget-grant under any head to the account of the budget-grant under any other head, or

20 (iv) reduce the amount of the budget-grant under any head:

Provided that due regard shall be had to all the requirements of this Act and in making any increase or any additional budget-grant, the estimated cash balance at the close of the year shall not be reduced below the sum of one lakh of rupees or such higher sum  
25 as the Corporation may determine in respect of each budget estimate.

(2) Every increase in a budget-grant and every additional budget-grant made in any year under sub-section (1) shall be deemed to be included in the budget estimates finally adopted for that year.

110. (1) If at any time during the year it appears to the Corporation that, notwithstanding any reduction of budget-grant that has  
30 been made under section 109, the income of the Municipal Fund during the same year will not suffice to meet the expenditure sanctioned in the budget estimates of that year and to leave at the close of the year the cash balance specified in or determined under the proviso  
35 to sub-section (1) of section 109, then, it shall be incumbent on the Corporation to sanction forthwith any measures which it may consider necessary for adjusting the year's income to the expenditure.

Power of Corporation to re-adjust income and expenditure during the year.

(2) For the purposes of sub-section (1), the Corporation may either diminish the sanctioned expenditure of the year so far as it  
40 may be possible so to do with regard to all the requirements of this Act, or have recourse to supplementary taxation under section 150 or to an increase of the rates of cesses, fees, fares and other charges

Provisions as  
to unex-  
pended  
budget-  
grant.

111. If the whole or any part of any budget-grant included in the budget estimates for a year remains unexpended at the close of that year, and the amount thereof has not been taken into account in the opening balance entered in the budget estimates of any of the next two following years, the Standing Committee or, as the case may be, the Delhi Electric Supply Committee, or the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee may sanction the expenditure of such budget-grant or the unexpended portion thereof during the next two following years for the completion of the purpose or object for which the budget-grant was originally made and not for any other purpose or object.

## CHAPTER VIII

### TAXATION

#### *Levy of taxes*

Taxes to be  
imposed by  
the Corpo-  
ration under  
this Act.

112. (1) The Corporation shall, for the purposes of this Act, levy the following taxes, namely:—

- (a) property taxes;
- (b) a tax on vehicles and animals;
- (c) a theatre tax;
- (d) a tax on advertisements other than advertisements published in the newspapers;
- (e) a duty on the transfer of property; and
- (f) a tax on buildings payable along with the application for sanction of the building plan.

(2) In addition to the taxes specified in sub-section (1), the Corporation may, for the purposes of this Act, levy any of the following taxes, namely:—

- (a) an education cess;
- (b) a local rate on land revenues;
- (c) a tax on professions, trades, callings and employments;
- (d) a tax on the consumption or sale of electricity;
- (e) a betterment tax on the increase in urban land values caused by the execution of any development or improvement work;
- (f) a tax on boats; and
- (g) tolls.

(3) The taxes specified in sub-section (1) and sub-section (2) shall be levied, assessed and collected in accordance with the provisions under.

*Property taxes*

113. Save as otherwise provided in this Act, the property taxes shall be levied on lands and buildings in Delhi and shall consist of the following, namely :—

Components  
and rates of  
property  
taxes.

5 (a) a water tax of such percentage of the rateable value of lands and buildings as the Corporation may deem reasonable for providing water supply in Delhi;

10 (b) a scavenging tax of such percentage of the rateable value of lands and buildings as the Corporation may deem reasonable for providing for the collection, removal and disposal by municipal agency of all filth and polluted and obnoxious matter from latrines, urinals and cesspools and for efficiently maintaining and repairing the municipal drains constructed or used for the reception or conveyance of such filth or polluted  
15 matter;

(c) as and when the Fire Service Undertaking in the Union territory of Delhi vested in, and managed by, the Central Government at the commencement of this Act is taken over by the Corporation, a fire tax of such percentage of the rateable value  
20 of lands and buildings as the Corporation may deem reasonable for providing for the expense necessary for the conduct and management of the Fire Service Undertaking and for the protection of life and property in the case of fire;

(d) a general tax—

25 (i) of not less than ten and not more than twenty per cent. of the rateable value of lands and buildings within the urban areas, and

(ii) on lands and buildings within the rural areas at such lower rates and with effect from such date as may be  
30 determined by the Corporation;

Provided that the Corporation may, when fixing the rate at which the general tax shall be levied during any year, determine that the rate leviable in respect of lands and buildings or portions of lands and buildings in which any particular class of trade or business is  
35 carried on shall be higher than the rate determined in respect of other lands and buildings or portions of other lands and buildings by an amount not exceeding one-half of the rate so fixed.

*Explanation.*—Where any portion of a land or building is liable to a higher rate of the general tax such portion shall be deemed to  
40 be a separate property for the purpose of municipal taxation.

Premises in  
respect of  
which pro-  
perty taxes  
are to be  
levied.

114. (1) Save as otherwise provided in this Act, the water tax shall be levied only in respect of lands and buildings—

(a) to which a water supply is furnished from, or which are connected by means of pipes with, municipal water works; or

(b) which are situated in any portion of Delhi in which the Commissioner has given public notice that sufficient water is available from municipal water works for a reasonable supply to all the lands and buildings in the said portion. 5

(2) Save as otherwise provided in this Act, the scavenging tax shall be levied only in respect of lands and buildings— 10

(a) in which there is a latrine, urinal, cesspool, bathing place or cooking place connected with a municipal drain; or

(b) which are situated in any portion of Delhi in which the Commissioner has given public notice that the collection, removal and disposal of all filth and polluted and obnoxious matter from latrines, urinals and cesspools will be undertaken by municipal agency: 15

Provided that the said tax shall not be levied in respect of any land or building in or upon which, in the opinion of the Commissioner, no filth or polluted and obnoxious matter accumulates or is deposited. 20

(3) When the Fire Service Undertaking is taken over by the Corporation the fire tax shall be levied in respect of all lands and buildings in Delhi in respect of which the general tax is levied or would have been levied but for the exemption specified in sub-section (4): 25

Provided that the fire tax shall not be levied in any rural area until the Commissioner has given public notice that the Corporation has undertaken to render fire service in that area through the agency of the municipal fire brigade. 30

(4) Save as otherwise provided in this Act, the general tax shall be levied in respect of all lands and buildings in Delhi except—

(a) lands and buildings or portions of lands and buildings exclusively occupied and used for public worship or by a society or body for a charitable purpose: 35

Provided that such society or body is supported wholly or in part by voluntary contributions, applies its profits, if any, or other income in promoting its objects and does not pay any dividend or bonus to its members.

*Explanation.*—"Charitable purpose" includes relief of the poor, education and medical relief but does not include a purpose which relates exclusively to religious teaching;

(b) lands and buildings vested in the Corporation and not used or intended to be used exclusively for the purposes of the Delhi Electric Supply Undertaking, or the Delhi Transport Undertaking, or the Delhi Water Supply and Sewage Disposal Undertaking, in respect of which the said tax, if levied, would under the provisions of this Act be leviable primarily on the Corporation;

(c) agricultural lands and buildings (other than dwelling houses).

(5) Lands and buildings or portions thereof shall not be deemed to be exclusively occupied and used for public worship or for a charitable purpose within the meaning of clause (a) of sub-section (4), if any trade or business is carried on in such lands and buildings or portions thereof.

(6) Where any portion of any land or building is exempt from the general tax by reason of its being exclusively occupied and used for public worship or for a charitable purpose such portion shall be deemed to be a separate property for the purpose of municipal taxation.

115. (1) The rateable value of any land or building assessable to property taxes shall be the annual rent at which such land or building might reasonably be expected to let from year to year less—

*Determination of rateable value of lands and buildings assessable to property taxes.*

(a) a sum equal to ten per cent. of the said annual rent which shall be in lieu of all allowances for costs of repairs and insurance, and other expenses, if any, necessary to maintain the land or building in a state to command that rent, and

(b) the water tax or the scavenging tax or both, if the rent is inclusive of either or both of the said taxes :

Provided that if the rent is inclusive of charges for water supplied by measurement, then, for the purpose of this section the rent shall be treated as inclusive of water tax on rateable value and the deduction of the water tax shall be made as provided therein :

Provided further that in respect of any land or building the standard rent of which has been fixed under the Delhi and Ajmer Rent Control Act, 1952, the rateable value thereof shall not exceed the annual amount of the standard rent so fixed.

(2) The rateable value of any land which is not built upon but is capable of being built upon and of any land on which a building is

in process of erection shall be fixed at five per cent. of the estimated capital value of such land.

(3) All plant and machinery contained or situate in or upon any land or building and belonging to any of the classes specified from time to time by public notice by the Commissioner with the approval of the Standing Committee, shall be deemed to form part of such land or building for the purpose of determining the rateable value thereof under sub-section (1) but save as aforesaid no account shall be taken of the value of any plant or machinery contained or situated in or upon any such land or building.

Charge by measurement in lieu of water tax in certain cases.

116. (1) The Commissioner may in such cases as the Delhi Water Supply and Sewage Disposal Committee may either generally or specifically direct, instead of levying water tax in respect of any land or building liable thereto under section 114, charge for the water supplied to such land or building by measurement at such rate as shall from time to time be prescribed by that Committee in this behalf.

(2) The Delhi Water Supply and Sewage Disposal Committee may, for the cases in which the Commissioner charges for water supplied by measurement under sub-section (1), prescribe such conditions as it may think fit regarding the use of the water and regarding the charge to be paid for water consumed whilst a meter is out of order or under repair :

Provided that no condition prescribed under this sub-section shall be inconsistent with this Act or with any bye-law made thereunder.

(3) A person who is charged for water supplied by measurement shall not be liable for payment of water tax, but any sum payable by him on account of water and not paid when it becomes due shall be recoverable by the Commissioner as an arrear of water tax under this Act.

(4) In prescribing charges for water supplied by measurement under sub-section (1), it shall be lawful for the Delhi Water Supply and Sewage Disposal Committee to prescribe different rates in respect of different classes of lands and buildings.

Special rates of scavenging tax in certain cases.

117. (1) The Commissioner may, whenever he thinks fit, fix the scavenging tax to be paid in respect of any hotel or club or any other large premises at such special rate as may be approved by the Delhi Water Supply and Sewage Disposal Committee in this behalf either generally or in any particular case, whether the service in respect of which such tax is leviable is performed by scavengers or by substituted means or appliances.

(2) In the cases referred to in sub-section (1), the amount of the scavenging tax shall be fixed with reference to the cost or the

probable cost of the collection, removal and disposal, by municipal agency, of filth and polluted and abnoxious matter from the hotels, clubs and other large premises referred to in that sub-section.

118. Notwithstanding anything contained in the foregoing provisions of this Chapter, lands and buildings being properties of the Union shall be exempt from the property taxes specified in section 113:

Taxation of Union properties.

Provided that nothing in this section shall prevent the Corporation from levying any of the said taxes on such lands and buildings to which immediately before the 26th January, 1950, they were liable or treated as liable, so long as that tax continues to be levied by the Corporation on other lands and buildings.

119. (1) The property taxes shall be primarily leviable as follows:—

Incidence of property taxes.

- 15 (a) if the land or building is let, upon the lessor;  
(b) if the land or building is sub-let, upon the superior lessor;  
(c) if the land or building is unlet, upon the person in whom the right to let the same vests.

20 (2) If any land has been let for a term exceeding one year to a tenant and such tenant has built upon the land, the property taxes assessed in respect of that land and the building erected thereon shall be primarily leviable upon the said tenant, whether the land and building are in the occupation of such tenant or a sub-tenant  
25 of such tenant.

*Explanation.*—The term “tenant” includes any person deriving title to the land or the building erected upon such land from the tenant whether by operation of law or by transfer *inter vivos*.

30 (3) The liability of the several owners of any building which is, or purports to be, severally owned in parts or flats or rooms, for payment of property taxes or any instalment thereof payable during the period of such ownership shall be joint and several.

120. (1) If any land or building assessed to property taxes is let, and its rateable value exceeds the amount of rent payable in respect thereof to the person upon whom under the provisions of section 119 the said taxes are leviable, that person shall be entitled to receive from his tenant the difference between the amount of the property taxes levied upon him and the amount which would be leviable upon him if the said taxes were calculated on the amount  
40 of rent payable to him.

Apportionment of liability for property taxes when the premises assessed are let or sub-let.

(2) If the land or building is sub-let and their rateable value exceeds the amount of rent payable in respect thereof to the tenant

by his sub-tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under the sub-tenant, the tenant shall be entitled to receive from his sub-tenant or the sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section from such tenant or sub-tenant and the amount of property taxes which would be leviable in respect of the said land or building if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives and the amount of rent which he pays. 10

(3) Any person entitled to receive any sum under this section shall have, for the recovery thereof, the same rights and remedies as if such sum were rent payable to him by the person from whom he is entitled to receive the same.

**Recovery of property taxes from occupiers.**

121. (1) On the failure to recover any sum due on account of property taxes in respect of any land or building from the person primarily liable therefor under section 119, the Commissioner shall recover from every occupier of such land or building by attachment, in accordance with section 161 of the rent payable by such occupier, a portion of the total sum due which bears, as nearly as may be, the same proportion to that sum as the rent annually payable by such occupier bears to the total amount of rent annually payable in respect of the whole of the land or building. 20

(2) An occupier from whom any sum is recovered under subsection (1) shall be entitled to be reimbursed by the person primarily liable for the payment, and may in addition to having recourse to other remedies that may be open to him, deduct the amount so recovered from the amount of any rent from time to time becoming due from him to such person. 25

**Property taxes a first charge on premises on which they are assessed.**

122. Property taxes due under this Act in respect of any land or building shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge— 30

(a) in the case of any land or building held immediately from the Government, upon the interest in such land or building of the person liable for such taxes and upon the goods and other movable properties, if any, found within or upon such land or building and belonging to such person; and 35

(b) in the case of any other land or building, upon such land or building and upon the goods and other movable properties, if any, found within or upon such land or building and belonging to the person liable for such taxes. 40



*Explanation.*—The term “property taxes” in this section shall be deemed to include—

- (i) charges payable under sections 116 and 117, and
- (ii) the costs on recovery of property taxes and the penalty,  
5 if any, payable as specified in the bye-laws.

123. (1) Save as otherwise provided in this Act, the Corporation Assessment list shall cause an assessment list of all lands and buildings in Delhi to be prepared in such form and manner and containing such particulars with respect to each land and building as may be  
10 prescribed by bye-laws.

(2) When the assessment list has been prepared the Commissioner shall give public notice thereof and of the place where the list or a copy thereof may be inspected, and every person claiming to be the owner, lessee or occupier of any land or building included in  
15 the list and any authorised agent of such person, shall be at liberty to inspect the list and to take extracts therefrom free of charge.

(3) The Commissioner shall, at the same time, give public notice of a date, not less than one month thereafter, when he will proceed to consider the rateable values of lands and buildings and the  
20 assessments of property taxes in respect of lands and buildings, entered in the assessment list, and in all cases in which any land or building is for the first time assessed, or the assessment is increased, he shall also give written notice thereof to the owner or to any lessee or occupier of the land or building.

25 (4) Any objection to a rateable value or assessment or any other matter as entered in the assessment list shall be made in writing to the Commissioner before the date fixed in the notice and shall state in what respect the rateable value, assessment or other matter is disputed, and all objections so made shall be recorded in a register  
30 to be kept for the purpose.

(5) The objections shall be inquired into and investigated, and the persons making them shall be allowed an opportunity of being heard either in person or by authorised agent, by the Commissioner or by any officer of the Corporation authorised in this behalf by  
35 the Commissioner.

(6) When all objections have been disposed of, and the revision of the rateable value and assessment has been completed, the assessment list shall be authenticated by the signature of the Commissioner or, as the case may be, the officer authorised by him  
40 in this behalf, who shall certify that except in the cases, if any, in which amendments have been made as shown therein no valid

objection has been made to the rateable values or assessments or any other matters entered in the said list.

(7) The assessment list so authenticated shall be deposited in the office of the Corporation and shall be open, free of charge during office hours to all owners, lessees and occupiers of lands and buildings comprised therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published. 5

Evidential  
value of as-  
sessment list.

124. Subject to such alterations as may thereafter be made in the assessment list under section 125 and to the result of any appeal made under the provisions of this Act, the entries in the assessment list authenticated and deposited as provided in section 123 shall be accepted as conclusive evidence— 10

(a) for the purpose of assessing any tax levied under this Act, of the rateable value of all lands and buildings to which such entries respectively relate; and 15

(b) for the purposes of any tax levied on lands or buildings, of the amount of each such tax leviable thereon during the year to which such list relates.

Amendment  
of assess-  
ment list.

125. (1) The Commissioner may, at any time, amend the assessment list— 20

(a) by inserting therein the name of any person whose name ought to be inserted; or

(b) by inserting therein any land or building previously omitted; or

(c) by striking out the name of any person not liable for the payment of property taxes; or 25

(d) by increasing or reducing the amount of any rateable value and of the assessment thereupon; or

(e) by making or cancelling any entry exempting any land or building from liability to any property tax; or 30

(f) by altering the assessment on the land or building which has been erroneously valued or assessed through fraud, mistake or accident; or

(g) by inserting or altering an entry in respect of any building erected, re-erected, altered or added to, after the preparation of the assessment list: 35

Provided that no person shall by reason of any such amendment become liable to pay any tax or increase of tax in respect of any period prior to the commencement of the year in which the amendment is made. 40

(2) Before making any amendment under sub-section (1) the Commissioner shall give to any person affected by the amendment, notice of not less than one month that he proposes to make the amendment and consider any objections which may be made by such person.

5     **126.** It shall be in the discretion of the Commissioner to prepare for the whole or any part of Delhi a new assessment list every year or to adopt the rateable values and assessments contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the rateable values and assessments for the year follow-  
10 ing, giving the same public notice as well as individual notices, to persons affected by such alterations, of the rateable values and assessments as if a new assessment list had been prepared.

Preparation  
of new as-  
sessment list.

15     **127. (1)** Whenever the title of any person primarily liable for the payment of property taxes on any land or building is transferred, the person whose title is transferred and the person to whom the same is transferred shall within three months after the execution of the instrument of transfer or after its registration, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer in writing to the Commissioner.

Notice of  
transfers.

20     (2) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves, shall give notice of such devolution to the Commissioner within six months from the date of the death of the deceased.

25     (3) The notice to be given under this section shall be in such form as may be determined by bye-laws made under this Act, and the transferee or the other person on whom the title devolves shall, if so required, be bound to produce before the Commissioner any documents evidencing the transfer or devolution.

30     (4) Every person who makes a transfer as aforesaid without giving such notice to the Commissioner shall, in addition to any penalty to which he may be subjected under the provisions of this Act, continue liable for the payment of all property taxes from time to time payable in respect of the land or building transferred until he gives such notice or until the transfer has been recorded in the Commissioner's  
35 book, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.

(5) The Commissioner shall record every transfer or devolution of title notified to him under this section in his books and in the assessment list.

40     (6) On a written request by the Commissioner, the registrar or sub-registrar of Delhi appointed under the Indian Registration Act, 1908,

1908, shall furnish such particulars regarding the registration of instruments of transfer of immovable properties in Delhi, as the Commissioner may from time to time require.

(7) Such information shall be furnished as soon as may be after the registration of an instrument of transfer is effected, or, if the Commissioner so requests, by periodical returns at such intervals as the Commissioner may fix.

Notice of  
erection of  
building, etc.

**128.** When any new building is erected or when any building is re-built or enlarged or when any building which has been vacant is re-occupied, the person primarily liable for the property taxes assessed on the building shall give notice thereof in writing to the Commissioner within fifteen days from the date of its completion or occupation whichever first occurs, or as the case may be, from the date of its enlargement or re-occupation; and property taxes shall be assessable on the building from the said date.

Notice of  
demolition  
or removal  
of building.

**129.** (1) When any building or any portion of a building, which is liable to the payment of property taxes is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said taxes shall give notice thereof in writing to the Commissioner.

(2) Until such notice is given, the person aforesaid shall continue liable to the payment of such property taxes as he would have been liable to pay in respect of such building if the same or any portion thereof had not been demolished or removed.

Power of  
Commissioner  
to call  
for information  
and  
returns and  
to enter and  
inspect  
premises.

**130.** (1) To enable him to determine the rateable value of any land or building and the person primarily liable for the payment of any property taxes leviable in respect thereof, the Commissioner may require the owner or occupier of such land or building, or of any portion thereof to furnish him within such reasonable period as the Commissioner fixes in this behalf, with information or with a written return signed by such owner or occupier—

(a) as to the name and place of residence of the owner or occupier, or of both the owner and occupier of such land or building;

(b) as to the measurements or dimensions of such land or building or of any portion thereof and the rent, if any, obtained for such land or building or any portion thereof; and

(c) as to the actual cost or other specified details connected with the construction of such land or building.

(2) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

5 (3) Whoever omits to comply with any such requisition or fails to give true information or to make a true return to the best of his knowledge or belief, shall, in addition to any penalty to which he may be liable, be precluded from objecting to any assessment made by the Commissioner in respect of such land or building of which he  
10 is the owner or occupier.

131. Notwithstanding that any land or building is owned by, or let to, two or more persons in severalty, the Commissioner shall for the purpose of assessing such land or building to property taxes treat the whole of it as one property:

Premises owned by, or let to, two or more persons in severalty to be ordinarily assessed as one property.

15 Provided that the Commissioner may, in respect of any land or building which was originally treated as one property but which subsequently passes on by transfer, succession or in any other manner to two or more persons who divide the same into several parts and occupy them in severalty, treat, subject to any bye-law made in this  
20 behalf, each such several part, or two or more of such several parts together, as a separate property and assess such part or parts to property taxes accordingly.

132. If any land or building, bearing two or more municipal numbers, or portions thereof, be amalgamated into one or more new  
25 premises, the Commissioner shall on such amalgamation assign to them one or more numbers and assess them to property taxes accordingly:

Assessment in case of amalgamation of premises.

Provided that the total assessment on amalgamation shall not be greater than the sum of the previous assessments of the several  
30 premises except when there is any re-valuation of any of the said premises.

133. The Commissioner may in his discretion assess any outhouse appurtenant to a building, or any portion of a land or building separately from such building or as the case may be, from the rest of such  
35 land or building.

Power of Commissioner to assess separately outhouses and portions of buildings.

134. (1) The Commissioner may, if he thinks fit, employ one or more competent persons to give advice or assistance in connection with the valuation of any land or building, and any person so employed shall have power, at all reasonable times and after giving due  
40 notice, and on production, if so required, of authorisation in writing in that behalf from the Commissioner, to enter on, survey and value

Power of Commissioner to employ valuers.

any land or building which the Commissioner may direct him to survey and value.

(2) No person shall wilfully delay or obstruct any such person in the exercise of any of his powers under this section.

### *Tax on vehicles and animals*

5

Tax on certain vehicles and animals and rates thereof.

**135.** Save as otherwise provided in this Act, a tax at the rates not exceeding those specified in the Third Schedule shall be levied on vehicles and animals of the descriptions specified in that Schedule which are kept within Delhi.

The tax on whom leviable.

**136.** The tax on vehicles or animals shall be leviable upon the owner of, or the person having possession or control of, such vehicles or animals in respect of which the tax is leviable:

Provided that in the case of an animal generally used or employed in drawing any vehicle, the tax in respect of such animal shall be leviable upon the owner of, or the person having possession or control of, such vehicle, whether or not such animal is owned by such owner or person.

Tax when payable.

**137.** The tax on vehicles or animals shall be payable in advance in such number of instalments and in such manner as may be determined by bye-laws made in this behalf.

20

Power of Commissioner to compound with livery stable keeper, etc., for tax.

**138.** The Commissioner may, with the approval of the Standing Committee, compound for any period not exceeding one year at a time, with any livery stable keeper or other person keeping vehicles for hire or animals for sale or hire, for a lump sum to be paid in respect of the vehicles or animals so kept in lieu of the taxes leviable under section 135 which such livery stable keeper or other person would otherwise be liable to pay.

### *Theatre-tax*

Theatre-tax.

**139.** Save as otherwise provided in this Act, there shall be levied a tax (referred to in this Act as theatre-tax) in respect of every cinema, theatre, circus, carnival and other place of entertainment to which persons are ordinarily admitted on payment for performances or shows held or conducted thereat, at such rates not exceeding those specified in the Fourth Schedule as the Corporation may determine.

35

Liability to pay theatre-tax.

**140.** Every proprietor, manager, or person in-charge of a theatre, cinema, circus, carnival or other place of entertainment shall be liable to pay the theatre-tax and shall pay the same in advance before of performances or shows:

Provided that the Commissioner may, with the approval of the Standing Committee, compound for any series of performances or shows or for any period not exceeding one month, with such proprietor, manager, or person for a lump sum to be paid for such series of  
5 performances or shows or for the performances or shows held or conducted during such period.

*Tax on advertisements other than advertisements published in the newspapers*

141. (1) Every person, who erects, exhibits, fixes or retains upon  
10 or over any land, building, wall, hoarding, frame, post or structure <sup>Tax on advertisements.</sup>  
or upon or in any vehicle any advertisement or, who displays any advertisement to public view in any manner whatsoever, visible from a public street or public place (including any advertisement exhibited by means of cinematograph), shall pay for every advertisement  
15 which is so erected, exhibited, fixed or retained or so displayed to public view, a tax calculated at such rates not exceeding those specified in the Fifth Schedule as the Corporation may determine:

Provided that no tax shall be levied under this section on any advertisement which—

20 (a) relates to a public meeting, or to an election to Parliament or the Corporation or to candidature in respect of such election; or

(b) is exhibited within the window of any building if the advertisement relates to the trade, profession or business carried  
25 on in that building; or

(c) relates to the trade, profession or business carried on within the land or building upon or over which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting  
30 to be held on or upon or in the same; or

(d) relates to the name of the land or building upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(e) relates to the business of a railway administration and  
35 is exhibited within any railway station or upon any wall or other property of a railway administration; or

(f) relates to any activity of the Central Government or the Corporation.

(2) The tax on any advertisement leviable under this section  
40 shall be payable in advance in such number of instalments and in such manner as may be determined by bye-laws made in this behalf.

*Explanation 1.*—The word “structure” in this section includes any movable board on wheels used as an advertisement or an advertisement medium.

*Explanation 2.*—The word “advertisement” in relation to a tax on advertisement under this Act means any word, letter, model, sign, placard, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction.

Prohibition  
of advertise-  
ments with-  
out written  
permission  
of the Com-  
missioner.

**142.** (1) No advertisement shall be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post or structure or upon or in any vehicle or shall be displayed in any manner whatsoever in any place within Delhi without the written permission of the Commissioner granted in accordance with bye-laws made under this Act.

(2) The Commissioner shall not grant such permission if—

(a) the advertisement contravenes any bye-law made under this Act; or

(b) the tax, if any, due in respect of the advertisement has not been paid.

(3) Subject to the provisions of sub-section (2), in the case of an advertisement liable to the advertisement tax, the Commissioner shall grant permission for the period to which the payment of the tax relates and no fee shall be charged in respect of such permission.

Permission  
of the Com-  
missioner to  
become void  
in certain  
cases.

**143.** The permission granted under section 142 shall become void in the following cases, namely:—

(a) if the advertisement contravenes any bye-law made under this Act;

(b) if any material change is made in the advertisement or any part thereof;

(c) if the advertisement or any part thereof falls otherwise than through accident;

(d) if any addition or alteration is made to, or in the building, wall, hoarding, frame, post or structure upon or over which the advertisement is erected, exhibited, fixed or retained if such addition or alteration involves the disturbance of the advertisement or any part thereof; and

(e) if the building, wall, hoarding, frame, post or structure over which the advertisement is erected, exhibited, fixed or retained is demolished or destroyed.



144. Where any advertisement has been erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post or structure or upon or in any vehicle or displayed to public view from a public street or public place in contravention of the provisions of this Act or any bye-laws made thereunder, it shall be presumed, unless and until contrary is proved, that the contravention has been committed by the person or the persons on whose behalf the advertisement purports to be or the agents of such person or persons.

Presumption  
in case of con-  
travention.

145. If any advertisement is erected, exhibited, fixed or retained in contravention of the provisions of section 142, the Commissioner may require the owner or occupier of the land, building, wall, hoarding, frame, post or structure or vehicle upon, or over or in which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement or may enter any land, building, property or vehicle and have the advertisement dismantled, taken down or removed or spoiled, defaced or screened.

Power of  
Commissioner  
in case of con-  
travention.

### *Duty on transfer of property*

146. (1) Save as otherwise provided in this Act, the Corporation shall levy a duty on transfers of immovable property situated within the limits of Delhi in accordance with the provisions hereafter in this section contained.

Duty on  
transfer of  
property and  
method of  
assessment  
thereof.

(2) The said duty shall be levied—

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as in force for the time being in the Union territory of Delhi, on every instrument of the description specified below, and

(b) at such rate as may be determined by the Corporation not exceeding five per cent., on the amount specified below

against such instruments:—

*Description of instrument.*

*Amount on which duty should be levied.*

(i) Sale of immovable property.

The amount or value of the consideration for the sale, as set forth in the instrument.

(ii) Exchange of immovable property.

The value of the property of the greater value, as set forth in the instrument.

<i>Description of instrument.</i>	<i>Amount on which duty should be levied.</i>
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- |  |  |    |
|--|--|----|
| (iii) Gift of immovable property.                    | The value of the property, as set forth in the instrument.   |    |
| (iv) Mortgage with possession of immovable property. | The amount secured by the mortgage, as set forth in the instrument.  | 5  |
| (v) Lease in perpetuity of immovable property.       | The amount equal to one-sixth of the whole amount or value of the rent which would be paid or delivered in respect of the first fifty years of the lease as set forth in the instrument. | 10 |

Provisions applicable on the introduction of transfer duty.

- 147. On the introduction of the duty on transfers of property—** 15
- (a) section 27 of the Indian Stamp Act, 1899, as in force in Delhi shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without Delhi; 2 of 1899.
- (b) section 64 of the said Act shall be read as if it referred to the Corporation as well as the Government. 20

*Tax on buildings payable along with the application for sanction of building plans*

Tax on building applications.

- 148. (1)** Save as otherwise provided in this Act, the Corporation shall levy a tax on buildings at such rates not exceeding those specified in the Sixth Schedule, as the Corporation shall determine. 25

(2) The tax shall be leviable on every person who makes an application to the Commissioner for the sanction of a building plan and shall be payable along with the same.

#### *Other taxes*

30

Imposition of other taxes.

- 149. (1)** The Corporation may, at a meeting, pass a resolution for the levy of any of the taxes specified in sub-section (2) of section 112, defining the maximum rate of the tax to be levied, the class or classes of persons or the description or descriptions of articles and properties to be taxed, the system of assessment to be adopted and the exemptions, if any, to be granted. 35

(2) Any resolution passed under sub-section (1) shall be submitted to the Central Government for its sanction, and if sanctioned by that Government, shall come into force on and from such date as may be specified in the order of sanction.

40

(3) After a resolution has come into force under sub-section (2), the Corporation may, subject to the maximum rate, pass a second resolution determining the actual rates at which the tax shall be leviable; and the tax shall come into force on the first day of the 5 quarter of the year next following the date on which such second resolution is passed.

(4) After a tax has been levied in accordance with the foregoing provisions of this section, the provisions of sub-section (2) of section 108 shall apply in relation to such tax as they apply in relation 10 to any tax imposed under sub-section (1) of section 112.

#### *Supplementary taxation*

150. Whenever the Corporation decides to have recourse Supplementary taxation. to supplementary taxation under sub-section (2) of section 110 in any year, it shall do so by increasing from such date as the Corporation may determine, the rates at which any tax leviable under this 15 Act is being levied, but every such increase shall be made subject to the maximum rate and any other limitation specified in respect of such tax.

#### *Payment and recovery of taxes*

20 151. Save as otherwise provided in this Act, any tax levied under this Act shall be payable on such dates, in such number of instalments and in such manner as may be determined by bye-laws made in this behalf. Time and manner of payment of taxes.

25 152. (1) When any tax has become due, the Commissioner shall cause to be presented to the person liable for the payment thereof, a bill for the amount due: Presentation of bill.

Provided that no such bill shall be necessary in the case of—

- (a) a tax on vehicles and animals;
- (b) a theatre-tax; and
- 30 (c) a tax on advertisements.

(2) Every such bill shall specify the particulars of the tax and the period for which the charge is made.

35 153. (1) If the amount of the tax for which a bill has been presented under section 152 is not paid within fifteen days from the presentation thereof, or if the tax on vehicles and animals or the theatre-tax or the tax on advertisements is not paid after it has become due, the Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in the Seventh Schedule. Notice of demand and notice-fee.

(2) For every notice of demand which the Commissioner causes to be served on any person under this section, a fee of such amount not exceeding five rupees as may be determined by bye-laws made in this behalf, shall be payable by the said person and shall be included in the cost of recovery. 5

Penalty in case of default of payment of taxes.

**154.** (1) If the person liable for the payment of any tax does not, within thirty days of the service of the notice of demand under section 153, pay the sum due and if no appeal is preferred against such tax, he shall be deemed to be in default.

(2) When the person liable for the payment of any tax is deemed to be in default under sub-section (1), such sum not exceeding twenty per cent. of the amount of the tax as may be determined by the Commissioner may be recovered from him by way of penalty, in addition to the amount of the tax and the notice-fee payable under sub-section (2) of section 153. 15

(3) The amount due as penalty under sub-section (2) shall be recoverable as an arrear of tax under this Act.

Recovery of tax.

**155.** (1) If the person liable for the payment of the tax does not, within thirty days from the service of the notice of demand, pay the amount due, such sum together with all costs and the penalty provided for in section 154, may be recovered under a warrant, issued in the form set forth in the Eighth Schedule, by distress and sale of the movable property or the attachment and sale of the immovable property, of the defaulter: 20

Provided that the Commissioner shall not recover any sum the liability for which has been remitted on appeal under the provisions of this Act. 25

(2) Every warrant issued under this section shall be signed by the Commissioner.

Distress.

**156.** (1) It shall be lawful for any officer or other employee of the Corporation to whom a warrant issued under section 155 is addressed to distrain, wherever it may be found in any place in Delhi, any movable property or any standing timber, growing crops or grass belonging to the person therein named as defaulter, subject to the following conditions, exceptions and exemptions, namely:— 30

(a) the following property shall not be distrained:—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children;

(ii) tools of artisans;

(iii) books of account; or

- (iv) when the defaulter is an agriculturist, his implements of husbandry, seed, grain and such cattle as may be necessary to enable the defaulter to earn his livelihood;
- (b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Commissioner, should not have been distrained, it shall forthwith be released.
- (2) The person charged with the execution of a warrant of distress shall forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in the form set forth in the Ninth Schedule, to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

157. (1) When the property seized is subject to speedy and natural decay or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Commissioner shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

Disposal of distrained property and attachment and sale of immovable property.

(2) If the warrant is not in the meantime suspended by the Commissioner, or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section (2) of section 156, be sold by public auction by order of the Commissioner.

(3) When a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that such property would be sold unless the amount of tax due with all costs of recovery is paid into the municipal office within fifteen days from the date of the attachment.

(4) Such order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode and a copy of the order shall be affixed on a conspicuous part of the property and upon a conspicuous part of the municipal office and also, when the property is land paying revenue to the Government, in the office of the Collector.

(5) Any transfer of or charge on the property attached or any interest therein made without written permission of the Commissioner shall be void as against all claims of the Corporation enforceable under the attachment.

(6) The surplus of the sale-proceeds, if any shall, immediately after the sale of the property, be credited to the Municipal Fund, and notice of such credit shall be given at the same time to the person whose property has been sold or his legal representative and if the same is claimed by written application to the Commissioner 5 within one year from the date of the notice, a refund thereof shall be made to such person or representative.

(7) Any surplus not claimed within one year as aforesaid shall be the property of the Corporation.

(8) For every distraint and attachment made in accordance with 10 the foregoing provisions, a fee of such amount not exceeding two and-a-half per cent. of the amount of the tax due as shall in each case be fixed by the Commissioner, shall be charged, and the said fee shall be included in the costs of recovery.

Recovery  
from a per-  
son about to  
leave Delhi.

158. (1) If the Commissioner has reason to believe that any 15 person from whom any sum is due or is about to become due on account of any tax is about to move from Delhi, he may direct the immediate payment by such person of the sum so due or about to become due and cause a notice of demand for the same to be served on such person. 20

(2) If, on the service of such notice, such person does not forth- with pay the sum so due or about to become due, the amount shall be leviable by distress or attachment and sale in the manner here- inbefore provided, and the warrant of distress or attachment and sale may be issued and executed without any delay. 25

Power to  
institute suit  
for recovery.

159. Instead of proceeding against a defaulter by distress and sale as hereinbefore provided, or after a defaulter has been so proceeded against unsuccessfully or with partial success, any sum due or the balance of any sum due, as the case may be, from such defaulter on account of a tax may be recovered from him by a suit in any court 30 of competent jurisdiction.

Power of  
seizure of  
vehicles and  
animals, in  
case of non-  
payment of  
tax thereon.

160. (1) If the tax on any vehicle or animal is not paid, then, instead of proceeding against the defaulter by distress and sale of his other movable property as hereinbefore provided, the Commis- sioner may, at any time after the tax has become due, seize and 35 detain the vehicle or animal or both and, if the owner or other person entitled thereto does not within seven days in respect of a vehicle and two days in respect of an animal from the date of such seizure and detention, claim the same and pay the tax due together with the charges incurred in connection with the seizure and detention, 40

the Commissioner may cause the same to be sold and apply the proceeds of the sale or such part thereof as is required in discharge of the sum due and the charges incurred as aforesaid.

(2) The surplus, if any, remaining after the application of the sale-proceeds under sub-section (1) shall be disposed of in the manner laid down in sub-sections (6) and (7) of section 157.

161. (1) For the purposes of recovering the amount of any property-tax from any occupier under section 121, the Commissioner shall cause to be served on such occupier a notice requiring him to pay to the Corporation any rent due or falling due from him in respect of the land or building to the extent necessary to satisfy the portion of the sum due for which he is liable under the said section. Occupiers may be required to pay rent towards satisfaction of property taxes.

(2) Such notice shall operate as an attachment of the said rent unless the portion of the sum due shall have been paid and satisfied and the occupier shall be entitled to credit in account with the person to whom such rent is due for any sum paid by him to the Corporation in pursuance of such notice:

Provided that if the person to whom such rent is due is not the person primarily liable for payment of the property tax, he shall be entitled to recover from the person primarily liable for the payment of such tax any amount for which credit is claimed as aforesaid.

(3) If any occupier fails to pay to the Corporation any rent due or falling due which he has been required to pay in pursuance of a notice served upon him as aforesaid, the amount of such rent may be recovered from him by the Corporation in the same manner as an arrear of tax under this Act.

#### *Remission and refund*

162. If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the Commissioner may, on the application in writing of the owner or occupier, remit or refund such portion of any tax assessed on the rateable value thereof as he thinks fit. Demolition, etc., of buildings.

163. If any land or building has remained vacant and unproductive of rent for sixty or more consecutive days, the Commissioner shall remit or refund, as the case may be, such portion of any tax assessed on the rateable value thereof as may be proportionate to the number of days during which the said land or building has remained vacant and unproductive of rent. Remission or refund of tax.

Power to require entry in assessment list of details of buildings.

**164.** (1) For the purpose of obtaining a partial remission or refund of tax, the owner of a building composed of separate tenements may request the Commissioner, at the time of the assessment of the building, to enter in the assessment list, in addition to the rateable value of the whole building, a note regarding any detail of the rateable value of each separate tenement. 5

(2) When any tenement, the rateable value of which has been thus separately recorded, has remained vacant and unproductive of rent for sixty or more consecutive days, such portion of any tax assessed on the rateable value of the whole building shall be remitted or refunded as would have been remitted or refunded if the tenement had been separately assessed. 10

Notice to be given of the circumstances in which remission or refund is claimed.

**165.** No remission or refund under section 163 or section 164 shall be made unless notice in writing of the fact that the land, building or tenement has become vacant and unproductive of rent has been given to the Commissioner, and no remission or refund shall take effect in respect of any period commencing more than fifteen days before delivery of such notice. 15

What buildings, etc., are to be deemed vacant.

**166.** (1) For the purposes of sections 163 and 164, no land, building or tenement shall be deemed vacant if maintained as a pleasure resort or town or country house or be deemed unproductive of rent if let to a tenant who has a continuing right of occupation thereof, whether he is in actual occupation or not. 20

(2) The burden of proving the facts entitling any person to claim relief under section 162, or section 163, or section 164, shall be upon him. 25

Notice to be given of every occupation of vacant land or building.

**167.** The owner of any land, building or tenement in respect of which a remission or refund of tax has been given under section 163 or section 164 shall give notice of the re-occupation of such land, building or tenement within fifteen days of such re-occupation. 30

### *Appeals*

Appeal against assessment, etc.

**168.** (1) An appeal against the levy or assessment of any tax under this Act shall lie to the court of the district judge of Delhi.

(2) If, before or on the hearing of an appeal under this section, any question of law or usage having the force of law or the construction of a document arises, the court of the district judge on its own motion may, or on the application of any party to the appeal, shall, draw up a statement of the facts of the case, and the question so arising, and refer the statement with its opinion on the question for the decision of the High Court. 35 40



5 of 1908

(3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be in conformity with the rules relating to references to the High Court contained in Order XLVI of the First Schedule to the Code of Civil Procedure, 1908.

(4) In every appeal, the costs shall be in the discretion of the court.

(5) Costs awarded under this section to the Corporation shall be recoverable by the Corporation as an arrear of tax due from the appellant.

(6) If the Corporation fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the court may order the Commissioner to pay the amount to the appellant.

15 **169.** No appeal shall be heard or determined under section 168 unless— Conditions of right to appeal.

(a) the appeal is, in the case of a property tax, brought within thirty days next after the date of authentication of the assessment list under section 123 (exclusive of the time requisite for obtaining a copy of the relevant entries therein) or, as the case may be, within thirty days of the date on which an amendment is finally made under section 125 and, in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment or of alteration of assessment or, if no notice has been given, within thirty days after the date of the presentation of the first bill or, as the case may be, the first notice of demand in respect thereof:

20 Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the court that he had sufficient cause for not preferring it within that period;

(b) the amount, if any, in dispute in the appeal has been deposited by the appellant in the office of the Corporation

35 **170.** The order of the court confirming, setting aside or modifying an order in respect of any rateable value or assessment or liability to assessment or taxation shall be final: Finality of appellate orders.

40 Provided that it shall be lawful for the court, upon application or on its own motion, to review any order passed by it in appeal if application in this behalf is made within three months from the date of the original order.

*Miscellaneous provisions relating to taxation*

Power to  
inspect for  
purposes of  
determining  
rateable  
value or  
tax.

171. (1) The Commissioner may, without giving any previous notice, enter upon and make an inspection of—

(a) any land or building for the purpose of determining the rateable value of such land or building; 5

(b) any stable, garage, or coach house or any place wherein he may have reason to believe that there is any vehicle or animal liable to a tax under this Act;

(c) any place or premises which he has reason to believe are being used or are about to be used for any performance or 10 show in respect of which the theatre-tax is payable or would be payable;

(d) any land, building or vehicle in or upon which any advertisement liable to tax under this Act is exhibited or displayed. 15

(2) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle or animal, or of any servant of any such person and may examine such person or servant as to the number and description of vehicles and animals 20 owned by or in the possession or under the control of such person; and every person or servant of such person so summoned shall be bound to attend before the Commissioner and to give information to the best of his knowledge and belief as to the said matters.

Composition. 172. (1) The Commissioner may, with the previous sanction of the 25 Standing Committee, allow any person to compound for any tax.

(2) Every sum due by reason of the composition of a tax under sub-section (1) shall be recovered as an arrear of tax under this Act.

Irrecoverable  
debts.

173. The Commissioner may write off any sum due on account 30 of any tax or of the costs of recovering any tax if such sum is, in his opinion, irrecoverable:

Provided that, where the sum written off in favour of any one person exceeds one hundred rupees, the previous sanction of the Standing Committee shall be first obtained. 35

Obligation  
to disclose  
liability.

174. (1) The Commissioner may, by written notice, call upon any inhabitant of Delhi to furnish such information as may be necessary for the purpose of ascertaining—

(a) whether such inhabitant is liable to pay any tax imposed by the Corporation under this Act; 40

(b) at what amount he should be assessed; or

(c) the rateable value of the land or building which he occupies and the name and address of the owner or lessee thereof.

(2) If any person when called upon under sub-section (1) to furnish information neglects to furnish it within the period specified in this behalf by the Commissioner or furnishes information which is not true to the best of his knowledge or belief, he shall be liable, in addition to any penalty which may be imposed under this Act, to be assessed at such amount on account of tax as the Commissioner may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final.

175. No assessment and no charge or demand on account of any tax shall be impeached or affected by reason only of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax or in the description of any property or thing, or of any mistake in the amount of the assessment, charge or demand, or by reason only of clerical error or other defect of form, if the directions contained in this Act and the bye-laws made thereunder have in substance and effect been complied with; and it shall be enough in the case of any such tax on property or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Immaterial error not to affect liability.

176. The Corporation may, by resolution made in this behalf, exempt either wholly or in part from the payment of any tax levied under this Act, any person or class of persons or any property or goods or class of property or goods.

General power of exemption.

#### *Terminal taxes on goods*

177. (1) On and from the date of the establishment of the Corporation under section 3, there shall be levied on all goods carried by railway or road into the Union territory of Delhi from any place outside thereof, a terminal-tax at the rates specified in the Tenth Schedule.

Terminal tax on goods carried by railway, or road.

(2) The Central Government may, by notification in the Official Gazette, vary from time to time, the rates specified in that Schedule, the rates of terminal-tax levied in relation to any goods or classes of goods so, however, that where the rates are increased, the increased rates shall not be more than double the rates so specified.

(3) The Central Government may by like notification declare that with effect from such date as may be specified in the notification, the terminal-tax levied in relation to any goods or class of goods shall, for reasons specified in the notification, cease to be levied.

**Recovery of terminal taxes.** **178.** (1) The terminal tax levied under this Act shall be payable on demand and shall be collected by the Central Government in such manner and through such agency as may be specified by notification in the Official Gazette.

(2) Such portion of the total proceeds of the terminal tax as the Central Government may determine shall be deducted to meet the cost of collection of the tax.

**Payment by the Central Government to the Corporation and other local authorities.** **179.** The proceeds of the terminal tax collected under this Act (which shall form part of the Consolidated Fund of India) reduced by the cost of collection as determined under sub-section (2) of section 178 shall, if Parliament by appropriation made by law in this behalf so provides, be paid by the Central Government to the Corporation and to other local authorities within the Union territory of Delhi in such proportion as may from time to time be determined by the Central Government. 15

**Power of exemption.** **180.** The Central Government may, by notification in the Official Gazette, exempt either wholly or in part from the payment of terminal-tax imposed by this Act any goods or class of goods.

**Powers and liabilities of persons authorised to collect terminal taxes.** **181.** Every person authorised under the provisions of this Act and the rules made thereunder to collect the terminal tax shall have, in respect of the collection of such tax and of the confiscation of goods in connection therewith, same powers as are conferred by any law for the time being in force on the Collector of Land Customs, Delhi, and the officers subordinate to him in respect of the levy and collection of land customs duties and the confiscation of goods in connection therewith and shall also be subject to the same liabilities in respect of anything done by him in or for the purpose of collecting the terminal tax as the said Collector of Land Customs and the officers subordinate to him are subject to under any law for the time being in force relating to land customs duties. 30

**Power to make rules.** **182.** The Central Government may make rules in relation to the levy, assessment and collection of terminal tax under this Act and may by such rules provide for the following among other matters, namely:—

(a) the examination of goods liable to payment of terminal tax;

(b) the inspection, weighing or otherwise examining the contents of any conveyance or package for the purpose of ascertaining whether it contains any goods in respect of which terminal tax is payable;

(c) the seizure and confiscation of goods liable to terminal tax in case of refusal to pay such tax;

(d) the measures to prevent evasion of terminal tax and the penalty for such evasion;

5 (e) the penalty for bringing goods liable to terminal tax within the Union territory of Delhi without payment of such tax;

(f) any other matter which is to be or may be prescribed for the levy, assessment or collection of the terminal tax.

#### 10 *Taxes on motor vehicles and taxes on entertainment and betting*

183. The proceeds of the tax on motor vehicles collected in Delhi under the Punjab Motor Vehicles Taxation Act, 1924, as extended to Delhi and the proceeds of the entertainment and betting taxes collected in Delhi under the provisions of the U.P. Entertainment and Betting Tax Act, 1937, as extended thereto (both of which shall form part of the Consolidated Fund of India) reduced by the cost of collection as determined by the Central Government shall, if Parliament by appropriation made by law in this behalf so provides, be paid to the Corporation for the performance of its functions under this Act.

Central Gov-  
ernment to  
pay proceeds  
of motor  
vehicles  
tax and  
entertain-  
ment and  
betting  
taxes to  
Corporation.

## CHAPTER IX

### BORROWING

184. (1) The Corporation may, in pursuance of any resolution passed by it, borrow by way of debenture or otherwise on the security of all or any of the taxes, rates, cesses, fees and charges authorised by or under this Act, any sums of money which may be required—

Power of  
Corporation  
to borrow.

(a) for acquiring any land which it has power to acquire;

(b) for erecting any building which it has power to erect;

30 (c) for the execution of any permanent work, the provision of any plant, or the doing of any other thing which it has power to execute, provide or do, if the cost of carrying out the purpose in question ought to be spread over a term of years;

(d) to pay off any debt due to the Government; or

35 (e) to repay a loan previously raised under this Act or any other Act previously in force;

(f) for any other purpose for which the Corporation is, by virtue of this Act or any other law for the time being in force, authorised to borrow:

Provided that—

(i) no loan shall be raised without the previous sanction of 5 the Central Government or without previous publication of the application for sanction under the Local Authorities Loans Act, 9 of 1914, 1914, and the rules made thereunder; and

(ii) the amount of loan, the rate of interest and the terms including the date of floatation, the time and method of the 10 repayment and the like shall be subject to the approval of the Central Government.

(2) When any sum of money has been borrowed under sub-section (1), no portion of any sum of money borrowed for any of the purposes referred to in clause (c) of sub-section (1) shall be applied 15 to the payment of salaries and allowances to any municipal officers or other municipal employees other than those exclusively employed in connection with the carrying out of that purpose.

Time for  
repayment of  
money bor-  
rowed under  
section 184.

185. The time for the repayment of any money borrowed under section 184 shall in no case exceed sixty years and the time for 20 repayment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of the Central Government, extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

Form and  
effect of de-  
bentures.

186. All debentures issued under this Chapter shall be in such 25 form as the Corporation may, with the previous sanction of the Central Government, determine and shall be transferable in such manner as shall be therein expressed; and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason 30 of some such debentures being prior in date to others.

Payment to  
survivors of  
joint payees.

187. When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Indian Contract Act, 1872, the debenture or security shall be payable to 35 9 of 1872. the survivor or survivors of such person:

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

188. When two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Corporation by the other of such persons.

Receipt by joint holders for interest or dividend.

189. (1) The Corporation shall maintain sinking funds for the repayment of money borrowed on debentures issued and shall pay every year into such sinking funds such sum as will be sufficient for the repayment within the period fixed for the loan of all moneys borrowed on the debentures issued.

Maintenance and investment of sinking funds.

(2) All money paid into the sinking funds shall, as soon as possible, be invested by the Commissioner in public securities and every such investment shall be reported by the Commissioner to the Corporation within fifteen days.

(3) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking funds and invested in the manner laid down in sub-section (2).

(4) When any part of a sinking fund is invested in Delhi municipal debentures, or is applied in paying off any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (2).

(5) Any investment made under this section may, subject to the provisions of sub-section (2), be varied or transposed.

190. A sinking fund or any part thereof shall be applied in or towards the discharge of the loan or a part of the loan for which such fund was created, and until such loan or part is wholly discharged shall not be applied for any other purpose:

Application of sinking funds.

Provided that when any loan or part thereof has been consolidated under section 192, the Commissioner shall transfer to the sinking fund of the consolidated loan such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

191. (1) The Commissioner shall, at the end of every year, submit to the Corporation a statement showing—

Annual statement by Commissioner.

(a) the amount which has been invested during the year under section 189;

(b) the date of the last investment made previous to the submission of the statement;

(c) the aggregate amount of the securities then in his hands; and

(d) the aggregate amount which has upto the date of the statement been applied under section 190 in or towards discharging loans.

(2) Every such statement shall be published in the Official Gazette.

Power of Corporation to consolidate loans.

192. (1) Notwithstanding anything to the contrary contained in this Chapter, the Corporation may consolidate all or any of its loans and for that purpose may invite tenders for a new loan (to be called "the Delhi Municipal consolidated loan, 19—") and invite holders of the municipal debentures to exchange their debentures for scrips of such loan.

(2) The terms of any such consolidated loan and the form of its scrip and the rates at which exchange into such consolidated loan shall be permitted shall be subject to the prior approval of the Central Government.

(3) The period for the exchanging of any such consolidated loan shall not, without the sanction of the Central Government, extend beyond the farthest date within which any of the loans to be consolidated would otherwise be repayable.

(4) The Corporation shall provide for the repayment of any such consolidated loan by a sinking fund in the manner laid down in section 189 having regard to the amount transferred to such sinking fund under section 190.

Priority of payments for interest and repayment of loans over other payments.

193. All payments due from the Corporation for interest on and repayment of loans shall be made in priority to all other payments due from the Corporation.

Attachment of Municipal Fund for recovery of money borrowed from Government.

194. (1) If any money borrowed or deemed to have been borrowed by the Corporation from the Government or any interest or costs due in respect thereof be not repaid according to the conditions of the loan, the Government may attach the Municipal Fund or any part thereof.

(2) After such attachment no person except an officer appointed in this behalf by the Central Government shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any municipal authority, officer or other employee



might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interests and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

5 Provided that no such attachment shall defeat or prejudice any debt for which the fund was previously charged in accordance with law; and all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

10 195. The Corporation may make regulations to carry out the purposes of this Chapter including, in particular, the issue of duplicates in case of loss of debentures by theft, destruction or otherwise, and renewal of debentures on payment of fees prescribed in this behalf by such regulations. Power to make regulations.

15

## CHAPTER X

### PROPERTY AND CONTRACTS

#### *Property*

196. The Corporation shall, for the purpose of this Act, have power to acquire and hold movable and immovable property, or any interest therein. Acquisition of property.

197. Whenever the Corporation decides to acquire any immovable property, for the purpose of this Act, the Commissioner shall acquire such property on behalf of the Corporation by agreement on such terms and at such price as may be approved by the Standing Committee. Acquisition of immovable property by agreement.

1 of 1894. 30 198. Whenever the Commissioner is unable to acquire any immovable property under section 197 by agreement, the Central Government may at the request of the Commissioner procure the acquisition thereof under the provisions of the Land Acquisition Act, 1894, and on payment by the Corporation of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Corporation. Procedure when immovable property cannot be acquired by agreement.

35 199. With respect to the disposal of property belonging to the Corporation, the following provisions shall have effect, namely:— Disposal of property.

(a) the Commissioner may, in his discretion, dispose of, by sale or otherwise, any movable property belonging to the Corporation not exceeding in value in each instance one thousand rupees, or such higher amount as the Corporation may prescribe,

or let out or hire any movable property or grant a lease of any immovable property belonging to the Corporation, including any right of gathering and taking fruits and the like, for a period not exceeding one year at a time;

(b) the Commissioner may, with the sanction of the Standing Committee,—

(i) dispose of, by sale or otherwise, any movable property belonging to the Corporation the value of which does not exceed five thousand rupees;

(ii) grant a lease (other than a lease in perpetuity) of any immovable property belonging to the Corporation or sell or grant a lease in perpetuity of any immovable property belonging to the Corporation the value of which does not exceed fifty thousand rupees or the annual rent of which does not exceed three thousand rupees;

(c) the Commissioner may, with the sanction of the Corporation, lease, sell, let out on hire or otherwise transfer any property, movable or immovable, belonging to the Corporation;

(d) the consideration for which any immovable property may be sold, leased or otherwise transferred shall not be less than the value at which such immovable property could be sold, leased or otherwise transferred in normal and fair competition;

(e) the sanction of the Standing Committee or of the Corporation under the aforesaid clauses may be given either generally for any class of cases or specially for any particular case;

(f) subject to any conditions or limitations that may be specified in any other provisions of this Act, the foregoing provisions of this section shall apply to every disposal of property belonging to the Corporation made under, or for any purpose of, this Act.

#### *Contracts*

Contracts  
by the Cor-  
poration.

200. Subject to the provisions of sections 201 and 202, the Corporation shall be competent to enter into and perform any contract necessary for the purposes of this Act.

Procedure  
for making  
Contracts.

201. With respect to the making of contracts, the following provisions shall have effect, namely:—

(a) every such contract shall be made on behalf of the Corporation by the Commissioner;

(b) no such contract, for any purpose which in accordance with any provision of this Act the Commissioner may not carry

out without the approval or sanction of the Corporation or some other municipal authority, shall be made by him until and unless such approval or sanction has been duly obtained;

5 (c) no contract (other than a contract for the acquisition of immovable property) which will involve an expenditure exceeding ten thousand rupees or such higher amount as the Corporation may fix shall be made by the Commissioner unless the same is previously approved by the Standing Committee;

10 (d) every contract (other than a contract for the acquisition of immovable property) made by the Commissioner involving an expenditure exceeding two thousand rupees but not exceeding ten thousand rupees or such higher amount as may be fixed under clause (c) shall be reported by him within one month after the same has been made to the Standing Committee;

15 (e) no contract for the acquisition of immovable property shall be valid—

(i) unless the contract has been approved by the Standing Committee, where the price stipulated to be paid for such property exceeds five thousand rupees but does not exceed fifteen thousand rupees; or

(ii) unless the contract has been approved by the Corporation, where the price stipulated to be paid for such property exceeds fifteen thousand rupees.

20 202. (1) The mode of executing contracts under this Act shall be prescribed by bye-laws made in this behalf. Mode of  
executing  
contracts.

(2) No contract which is not made in accordance with the provisions of this Act and the bye-laws made thereunder shall be binding on the Corporation.

## CHAPTER XI

### ACCOUNTS AND AUDIT

30

#### *Scrutiny and Audit of Accounts*

203. There shall be kept in such manner and in such form as may be prescribed by regulations four separate accounts of all receipts and expenditure of the Corporation, namely:— Accounts  
to be kept.

35 (a) the Electric Supply Account, that is to say, accounts of all receipts and expenditure of the Corporation in respect of the operations of the Delhi Electric Supply Undertaking;

40 (b) the Transport Account, that is to say, accounts of all receipts and expenditure of the Corporation in respect of the operations of the Delhi Transport Undertaking;

(c) the Water Supply and Sewage Disposal Account, that is to say, accounts of all receipts and expenditure of the Corporation in respect of the operations of the Delhi Water Supply and Sewage Disposal Undertaking; and

(d) the General Account, that is to say, accounts of all receipts and expenditure of the Corporation other than those specified in clause (a) or clause (b) or clause (c).

Scrutiny of  
accounts  
by Municipal  
Chief  
Auditor and  
by the  
Standing  
Committee.

204. (1) The Municipal Chief Auditor shall conduct a monthly examination and audit of the municipal accounts and shall report thereon to the Standing Committee who shall publish monthly an abstract of the receipts and expenditure of the month last preceding, signed by not less than two members of that Committee and by the Municipal Chief Auditor. 10

(2) The Standing Committee may also from time to time and for such period as it thinks fit conduct independently any examination and audit of the municipal accounts. 15

(3) For the purpose of examination and audit of the municipal accounts the Standing Committee and the Municipal Chief Auditor shall have access to all the municipal accounts and to all records and correspondence relating thereto and the Commissioner shall forthwith furnish to the Standing Committee or the Municipal Chief Auditor any explanation concerning any receipts or expenditure which they may call for. 20

Report by  
the Municipal  
Chief  
Auditor.

205. (1) The Municipal Chief Auditor shall—

(a) report to the Standing Committee any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of moneys due to the Corporation or in the municipal accounts; 25

(b) furnish to the Standing Committee such information as that Committee may from time to time require concerning the progress of the audit. 30

(2) The Standing Committee shall cause to be laid before the Corporation every report made by the Municipal Chief Auditor to the Standing Committee and every statement of the views of the Municipal Chief Auditor on any matter affecting the exercise and performance of the powers and duties assigned to him under this Act which the Municipal Chief Auditor may require the Standing Committee to place before the Corporation together with a report stating what orders have been passed by the Standing Committee upon such report or statement, and the Corporation may take such action in regard to any of the matters aforesaid as the Corporation may deem necessary. 35 40

(3) As soon as may be after the commencement of each year the Municipal Chief Auditor shall deliver to the Standing Committee a report of the entire municipal accounts for the previous year.

(4) The Commissioner shall cause the said report to be printed and shall forward as soon as may be a printed copy thereof to each councillor.

206. (1) The Central Government may at any time appoint an auditor for the purpose of making a special audit of any of the accounts of the Municipal Fund and of reporting thereon to the Central Government and the costs of such audit as determined by the Central Government shall be chargeable to the Municipal Fund.

(2) An auditor so appointed may exercise any power which the Municipal Chief Auditor may exercise.

*Powers and duties of the Municipal Chief Auditor*

15 207. (1) The Municipal Chief Auditor shall audit the accounts of the Corporation with the assistance of officers and other employees subordinate to him.

Procedure to be followed by the Municipal Chief Auditor.

(2) In the discharge of his functions under this section the Municipal Chief Auditor shall—

20 (a) audit the accounts of expenditure from the revenue of the Corporation, expenditure on account of loan works and expenditure incurred out of special funds and shall ascertain whether moneys shown therein as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it;

25 (b) audit the accounts of debts, deposits, sinking funds, advances, suspense and remittance transactions of the Corporation and report upon those accounts and upon the results of verification of the balances relating thereto.

30 (3) The Municipal Chief Auditor shall examine and audit the statement of accounts relating to the commercial services conducted in any department of the Corporation, including the trading, manufacturing and profit and loss accounts, and the balance-sheets where such accounts are maintained under the orders of the Corporation, the Standing Committee, the Delhi Electric Supply Committee, the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee, and shall certify and report upon these accounts

(4) The Municipal Chief Auditor shall, in consultation with the Standing Committee or, as the case may be, the Delhi Electric Supply Committee, the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee and subject to any directions given by the Corporation, determine the form and manner 5 in which his reports on the accounts of the Corporation shall be prepared and shall have authority to call upon any officer of the Corporation to provide any information necessary for the preparation of these reports.

Power of  
Municipal  
Chief Audi-  
tor to make  
queries, etc.,  
and call for  
returns, etc.

208. (1) The Municipal Chief Auditor may make such queries 10 and observations in relation to any of the accounts of the Corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit.

(2) Every such query or observation as aforesaid shall be prompt- 15 ly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with the necessary vouchers, documents or explanations to the Municipal Chief Auditor.

(3) The powers of the Municipal Chief Auditor with regard to the disapproval of, and the procedure with regard to the settlement 20 of objections to, expenditure from the revenues of the Corporation shall be such as may be prescribed by the Standing Committee in consultation with the Municipal Chief Auditor and with the approval of the Corporation.

(4) If the Municipal Chief Auditor considers it desirable that the 25 whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the offices in which those accounts originate, he may require that those accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said offices for inspection. 30

(5) The Municipal Chief Auditor shall have the power to require that any books or other documents relating to the accounts he is required to audit shall be sent for inspection by him:

Provided that if the documents are confidential he shall be responsible for preventing disclosure of their contents. 35

(6) The Municipal Chief Auditor shall have authority to frame standing orders and to give directions on all matters relating to audit, and particularly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections.

(7) Expenditure sanctioned by the Municipal Chief Auditor shall 40 be audited by an officer to be nominated by the Corporation.

## CHAPTER XII

## WATER SUPPLY, DRAINAGE AND SEWAGE DISPOSAL

*General*

209. In this Chapter, unless the context otherwise requires, the *Definitions.*  
5 following words and expressions in relation to water supply shall have the respective meanings given below, namely:—

(1) "communication pipe" means,—

10 (a) where the premises supplied with water abut on the part of the street in which the main is laid, and the service pipe enters those premises otherwise than through the outer wall of a building abutting on the street and has a stopcock placed in those premises and as near to the boundary of that street as is reasonably practicable, so much of the service pipe as lies between the main and that stop-  
15 cock;

(b) in any other case, so much of the service pipe as lies between the main and the boundary of the street in which the main is laid, and includes the ferrule at the junction of the service pipe with the main, and also—

20 (i) where the communication pipe ends at a stopcock, that stopcock; and

(ii) any stopcock fitted on the communication pipe between the end thereof and the main;

25 (2) "main" means a pipe laid by the Corporation for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe;

30 (3) "service pipe" means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subject but for the closing of some tap;

(4) "supply pipe" means so much of any service pipe as is not a communication pipe;

35 (5) "trunk main" means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from one part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk;

(6) "water fittings" includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water.

Power to require Corporation to carry out surveys and formulate proposals.

210. The Central Government may require the Corporation to—

(a) carry out a survey of the existing consumption of and 5 demand for water supplies in Delhi and of the water resources in or available for Delhi;

(b) prepare an estimate of the future water supply requirements of Delhi;

(c) carry out a survey of the existing quantity of sewage 10 disposed of and the manner in which it is disposed of;

(d) formulate proposals as to—

(i) the existing or future water supply requirements of Delhi,

(ii) the existing or future sewage disposal requirements 15 in Delhi including proposals for the manner in which and the place or places at which such sewage should be carried, treated and disposed of .

Power to construct additional works.

211. If the Delhi Water Supply and Sewage Disposal Committee is of opinion that the works and other properties for the time being 20 vested in the Corporation for the purpose of Delhi Water Supply and Sewage Disposal Undertaking are inadequate for the purpose of sufficient supply of water or for the purpose of the efficient disposal of sewage under this Act, it may take steps in accordance with the provisions of this Act for the construction of additional works, 25 whether within or without the local limits of the Corporation and for the acquisition of additional properties for such works.

### *Water Supply*

Functions in relation to water supplies.

212. (1) It shall be the duty of the Delhi Water Supply and Sewage Disposal Committee to take steps from time to time— 30

(a) for ascertaining the sufficiency and wholesomeness of water supplies within Delhi;

(b) for providing a supply of wholesome water in pipes to every part of Delhi in which there are houses, for the domestic purposes of the occupants thereof, and for taking the pipes afford- 35 ing that supply to such point or points as will enable the houses to be connected thereto at a reasonable cost, so, however, that this clause shall not require the Committee to do anything which is not practicable at a reasonable cost or to provide such a



supply to any part of Delhi where such a supply is already available at such point or points aforesaid;

(c) for providing, as far as possible, a supply of wholesome water otherwise than in pipes to every part of Delhi in which there are houses, for the domestic purposes of the occupants thereof and to which it is not practicable to provide a supply in pipes at a reasonable cost, and in which danger to health arises from the insufficiency or unwholesomeness of the existing supply and a public supply is required and can be provided at a reasonable cost, and for securing that such supply is available within a reasonable distance of every house in that part.

(2) If any question arises under clause (b) of sub-section (1) as to whether anything is or is not practicable at a reasonable cost or as to the point or points to which pipes must be taken in order to enable houses to be connected to them at a reasonable cost, or under clause (c) thereof, as to whether a public supply can be provided at a reasonable cost, the Corporation shall determine that question and thereupon the Committee shall give effect to that determination.

(3) Without prejudice to the provisions of sub-section (1), the Commissioner shall, for the purpose of securing, so far as is reasonably practicable, that every house has available a sufficient supply of wholesome water for domestic purposes, exercise his powers under this Act of requiring the owners of houses to provide a supply of water thereto.

**213.** No person shall, without the written permission of the Commissioner, use or allow to be used for other than domestic purposes water supplied for domestic purposes.

Water supplied for domestic purposes not to be used for non-domestic purposes.

**214.** The Delhi Water Supply and Sewage Disposal Committee shall secure that the water in any water works belonging to the Corporation from which water is supplied for domestic purposes is wholesome.

Purity of water for domestic purposes.

**215.** The supply of water for domestic purposes under this Act shall not be deemed to include any supply—

Supply of water for domestic purposes not to include any supply for certain specified purposes.

(a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire;

(b) for any trade, manufacture or business;

(c) for fountains, swimming baths or any ornamental or mechanical purpose;

(d) for gardens or for purposes of irrigation;

- (e) for making or for watering streets; or
- (f) for building purposes.

Power to supply water for non-domestic purposes.

216. (1) The Commissioner may supply water for purposes other than domestic purposes.

(2) A supply of water for purposes other than domestic purposes shall be made upon such terms and conditions as to payment and quantity and for such period as the Delhi Water Supply and Sewage Disposal Committee may think fit. 5

(3) The Commissioner shall, subject to such conditions as the Delhi Water Supply and Sewage Disposal Committee may from time to time impose, supply water for any purpose other than a domestic purpose on receiving a written application specifying the purpose for which a supply is required and the quantity likely to be consumed. 10

(4) When an application under sub-section (3) is received, the Commissioner may, subject to such charges and rates as may be fixed by the said Committee, place or allow to be placed the necessary service pipes and water fittings of such dimensions and character as may be prescribed by bye-laws and may arrange for the supply of water through such pipes and fittings. 15 20

Use of water for extinguishing fire.

217. Water may be used for extinguishing fire.

Power to require water supply to be taken.

218. (1) If it appears to the Commissioner that any premises in Delhi are without supply of wholesome water for domestic purposes or that the existing supply of water for domestic purposes available for the persons usually occupying or employed in such premises is inadequate or on any sanitary grounds objectionable, the Commissioner may by notice in writing require the owner of the premises or the persons primarily liable for the payment of the property taxes in respect of the same— 25

(a) to take a connection from the municipal water works adequate for the requirements of the persons occupying or employed in the premises, or to take such additional or enlarged connection or connections from the municipal water works; and 30

(b) to provide, supply pipes and water fittings, instal and work a pump and do all such works and take all such measures as may, in the opinion of the Commissioner, be necessary for the above purposes. 35

(2) The Commissioner may in the notice issued under sub-section (1) specify—

(a) the size, material and quality of the pipes and water fittings to be provided; 40

(b) the position of the pipes and water fittings to be provided;

(c) the means of access for the inspection of the pipes and water fittings;

5 (d) the type of pump that should be installed and the period or periods of the day for which it should be kept working;

(e) the period within which any or all the requisitions specified in the notice should be carried out.

219. It shall not be lawful for the owner of any premises which  
10 may be newly constructed or reconstructed within any portion of Delhi in respect of which the Commissioner has given public notice under section 114 to occupy it or cause or permit it to be occupied until he has obtained a certificate from the Commissioner that there is provided within, or within a reasonable distance of, the premises  
15 such supply of wholesome water as appears to the Commissioner to be adequate for the persons who may occupy, or be employed in, such premises for their domestic purposes.

New premises not to be occupied without arrangement for water supply.

220. (1) The Commissioner, with the approval of the Delhi Water Supply and Sewage Disposal Committee, may provide gratuitous  
20 supply of wholesome water to the public within Delhi and may, for that purpose, erect public hydrants or other conveniences.

Public gratuitous water supply.

(2) The Commissioner may, with like approval, close a public hydrant or other convenience when it is no longer required for the supply of wholesome water to the public.

25 221. (1) The Commissioner may lay a main whether within or without the local limits of the Corporation—

Power to lay mains.

(a) in any street; and

(b) with the consent of every owner and occupier of any land not forming part of a street, in, over or on that land,

30 and may, from time to time, inspect, repair, alter or renew or may at any time remove any main so laid whether by virtue of this section or otherwise:

Provided that where a consent required for the purpose of this sub-section is withheld, the Commissioner may, after giving the  
35 owner or occupier of the land a written notice of his intention so to do, lay the main in, over or on that land even without such consent.

(2) Where the Commissioner, in exercise of the powers under this section, lays a main in, over or on any land not forming part

of a street, or inspect, repair, alter, renew or remove a main so laid down in, over or on any such land, he shall pay compensation to every person interested in that land for any damage done to, or injurious affection of that land by reason of the inspection, laying, repair, alteration, renewal or removal of the main. 5

Power to  
lay service  
pipes, etc.

222. (1) The Commissioner may, in any street whether within or without the local limits of the Corporation, lay such service pipes with such stopcocks and other water fittings as he may deem necessary for supplying water to premises and may, from time to time, inspect, repair, alter or renew and may, at any time, remove 10 any service pipe laid in a street whether by virtue of this section or otherwise.

(2) Where a service pipe has been lawfully laid in, over, or on the land not forming part of a street, the Commissioner may from time to time enter upon that land and inspect, repair, alter, renew 15 or remove the pipe or lay a new pipe in substitution thereof but shall pay compensation for any damage done in the course of such action.

Provision of  
fire hy-  
drants.

223. (1) The Commissioner shall fix hydrants on water mains (other than trunk mains) at such places as may be most convenient 20 for affording a supply of water for extinguishing any fire which may break out and shall keep in good order and from time to time renew every such hydrant.

(2) To denote the situation of every hydrant placed under this section, letters, marks or figures shall be displayed prominently on 25 some wall, building or other structure near such hydrant.

(3) As soon as any such hydrant is completed, the Commissioner shall deposit a key thereof at each place where a public fire engine is kept and in such other places as he deems necessary.

(4) The Commissioner may, at the request and expense of the 30 owner or occupier of any factory, workshop, trade premises or place of business situated in or near a street in which a pipe is laid (and not being a trunk main and being of sufficient dimensions to carry a hydrant), fix on the pipe and keep in good order and from time to time renew one or more fire hydrants, to be used only for extin- 35 guishing fires as near as conveniently may be to that factory, workshop, trade premises or place of business.

(5) The Commissioner shall allow all persons to take water for extinguishing fires from any pipe on which a hydrant is fixed without any payment.

224. The owner of every premises connected with the municipal water works shall, when so required by the Commissioner, set up electric pumps or other contrivances whereby water may be caused to reach to the top of the top-most storey of such premises:

Power of Corporation to require owners of premises to set up pumps, etc.

5     Provided that nothing in this section shall require such owner to deliver water at a height greater than that to which it will flow by gravitation through the mains from the service reservoir or tank from which the supply of water to the premises in question is taken.

225. The Commissioner may permit the owner, lessee or occupier of any premises to connect the premises by means of supply pipes for conveying to the premises a supply of water for his domestic purposes from the municipal water works subject to the requirements specified in section 226 and the conditions, if any, laid down in the bye-laws made in this behalf.

Supply of water.

15     226. (1) An owner, lessee or occupier of any premises, who desires to have a supply of water for his domestic purposes from the municipal water works, shall comply with the following requirements, namely:—

Laying of supply pipes etc.

20     (a) he shall give to the Commissioner fourteen days' notice of his intention to lay the necessary supply pipe; and

(b) he shall lay the supply pipe at his own expense, having first obtained, as respects any land not forming part of a street, the consent of the owners or occupiers thereof:

Provided that where any part of the supply pipe is to be laid in 25 a street, he shall not himself break open the street or lay that part of the pipe.

(2) Upon the receipt of such a notice as is referred to in sub-section (1); the Commissioner shall lay the necessary communication pipe and any part of the supply pipe which is to be laid in a street 30 and shall connect the communication pipe with the supply pipe.

(3) The expenses, reasonably incurred by the Commissioner in executing the work which he is required or authorised by this section to execute, shall be repaid to him by the person by whom the notice was given and may be recovered from such person as an arrear of 35 tax under this Act:

Provided that if under the provisions of this section, the Commissioner lays a main in lieu of a supply pipe, the additional cost incurred in laying the main instead of a supply pipe shall be borne by him.

40     (4) Notwithstanding anything contained in the foregoing provisions of this section, the Commissioner may, within a reasonable

time after the service of the notice upon him, require the person giving the notice either to pay to him, in advance the cost of the work as estimated by the Chief Engineer (Water Supply), or to give security for payment thereof to his satisfaction.

(5) If any payment made to the Commissioner under sub-section (4) exceeds the expenses which the Commissioner would be entitled to recover from the person giving the notice, the excess shall be repaid by him and if and so far as those expenses are not covered by the payment, the Commissioner may recover the balance from such person as an arrear of tax under this Act. 10

Power to  
require  
separate  
service  
pipes.

227. (1) The Commissioner may require the provision of a separate service pipe for each of the premises supplied or to be supplied by him with water.

(2) If, in the case of any premises already supplied with water but not having a separate service pipe, the Commissioner gives notice to the owner of the premises requiring the provision of such a pipe, the owner shall, within three months, lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a street, and the Commissioner shall, within fourteen days after the owner has done so, lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a street and make all necessary communications. 15 20

(3) If an owner upon whom a notice has been served under subsection (2) fails to comply therewith the Commissioner may himself execute the work which the owner was required to execute and recover the expenses reasonably incurred by him in executing the work as an arrear of tax under this Act. 25

Stopcocks.

228. (1) On every service pipe laid after the commencement of this Act, the Commissioner shall, and on every service pipe laid before such commencement Commissioner may, fit a stopcock enclosed in a cover box or a pit of such size as may be reasonably necessary. 30

(2) Every stopcock fitted on a service pipe after the commencement of this Act shall be placed in such position as the Commissioner deems most convenient: 35

Provided that—

(a) a stopcock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises; and

(b) a stopcock in a street shall be placed as near to the boundary thereof as is reasonably practicable. 40

229. (1) The Commissioner may provide a water-meter and attach the same to the service pipe in premises connected with municipal water works.

Power of Commissioner to provide meters.

(2) The expense of providing and attaching a meter under sub-section (1) shall be paid out of the Municipal Fund.

(3) The use, rent to be paid for such use, maintenance and testing of meters shall be regulated by orders made by the Delhi Water Supply and Sewage Disposal Committee in this behalf.

230. Whenever water is supplied under this Chapter through a meter it shall be presumed that the quantity indicated by the meter has been consumed until the contrary is proved.

Presumption as to correctness of meters.

231. (1) No person shall wilfully or negligently cause or suffer any water fitting which he is liable to maintain,—

Prohibition of waste or misuse of water.

(a) to be or remain so out of order or so in need of repair, or  
(b) to be or remain so constructed or adapted or to be so used,

that the water supplied to him by the Corporation is or is likely to be wasted, misused or unduly consumed, or contaminated before use, or that foul air or any impure matter is likely to return into any pipe belonging to, or connected with, a pipe belonging to the Corporation.

(2) If any water fitting which any person is liable to maintain is in such a condition, or so constructed or adapted as aforesaid, the Commissioner, without prejudice to his right to proceed against the person under any other provision of this Act, may require that person to carry out any necessary repairs or alterations and if he fails to do so within forty-eight hours, may himself carry out the work and recover from him the expenses reasonably incurred by him in so doing, as an arrear of tax.

232. The Commissioner or any municipal officer authorised by the Commissioner in writing may, between sunrise and sunset, enter any premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and the Commissioner or such officer shall not be refused admittance to the premises nor shall be obstructed by any person in making his examination.

Power to enter premises to detect waste or misuse of water.

233. The Commissioner may test any water fitting used in connection with water supplied by the Corporation.

Power to test water fittings.

Power to close or restrict use of water from polluted source of supply.

**234.** (1) If the Commissioner is of opinion that the water in or obtained from any well, tank or other source of supply not vested in the Corporation, being water which is or is likely to be used for domestic purposes, or for the preparation of food or drink for human consumption, is or is likely to become so polluted as to be prejudicial to health, the Commissioner may, after giving the owner or occupier of the premises in which the source of supply is situated a reasonable opportunity of being heard, by order, direct that the source of supply be permanently or temporarily closed or cut off or the water therefrom be used for certain purposes only or make such order as appears to him necessary to prevent injury or danger to the health of persons using the water or consuming food or drink prepared therewith or therefrom. 10

(2) Before making any order under this section, the Commissioner may cause the water to be analysed at the cost of the Corporation. 15

(3) If the person to whom an order is made under this section fails to comply therewith, the Commissioner may do whatever may be necessary for giving effect to the order, and any expenses reasonably incurred by him in so doing may be recovered by him from the person in default as an arrear of tax under this Act. 20

Water pipes, etc., not to be placed where water will be polluted.

**235.** (1) No water pipes shall be laid in a drain or on the surface of an open channel or house gully or within twenty feet of a cesspool or in any position where the pipe is likely to be injured or the water therein polluted; and no well or tank and except with the consent of the Commissioner, no cistern shall be constructed within twenty feet of a latrine, or cesspool. 25

(2) No latrine, or cesspool shall be constructed or made within twenty feet of any well, tank, water pipe or cistern or in any position where the pipe, well, tank or cistern is likely to be injured or the water therein polluted. 30

Power to cut off private water supply or to turn off water.

**236.** (1) The Commissioner may, subject to the conditions laid down in this behalf in the bye-laws, cut off or turn off water supply from any municipal water work to any premises or part thereof to which a private water supply is furnished by the Corporation.

(2) The expenses of cutting off or turning off water supply shall be paid by the owner or occupier of premises and shall be recoverable from the owner or occupier as an arrear of tax under this Act. 35

Joint and several liability of owners and occupiers for offence in relation to water supply.

**237.** If any offence relating to water supply is committed under this Act on any premises connected with the municipal water works, the owner, the person primarily liable for the payment of the water tax, and the occupiers of the said premises shall be jointly and severally liable for such offence. 40



*Drainage and sewerage*

238. (1) All public drains, all drains in, alongside or under any public street, and all sewage disposal works whether constructed out of the Municipal Fund or otherwise, and all works, materials and things appertaining thereto, which are situated in Delhi shall vest in the Corporation.

Public drains  
etc., to  
vest in the  
Corporation.

(2) All public and other drains which are vested in the Corporation are hereafter in this Act referred to as municipal drains.

(3) For the purposes of enlarging, deepening or otherwise repairing or maintaining any such drain or sewage disposal work so much of the sub-soil appertaining thereto as may be necessary for the said purposes shall be deemed also to vest in the Corporation.

(4) All drains and ventilation-shafts, pipes and all appliances and fittings connected with the drainage works constructed, erected or set up out of the Municipal Fund in or upon premises not belonging to the Corporation, whether—

(a) before or after the commencement of this Act, and

(b) for the use of the owner or occupier of such premises or not,

shall, unless the Corporation has otherwise determined, or does at any time otherwise determine, vest and be deemed always to have vested in the Corporation.

239. (1) All municipal drains, all sewage disposal works and all works, materials and things appertaining thereto shall be under the control of the Commissioner.

Control of  
drains and  
sewage dis-  
posal works.

(2) The Commissioner shall maintain and keep in repair all municipal drains and sewage disposal works and when authorised by the Delhi Water Supply and Sewage Disposal Committee or the Corporation in this behalf, shall construct as many new drains and sewage disposal works as may from time to time be necessary for effectual drainage and sewage disposal.

240. (1) No person shall throw, empty or turn into any municipal drain or into any drain communicating with a municipal drain—

Certain  
matters not  
to be passed  
into muni-  
cipal drains.

(a) any matter likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents; or

(b) any chemical, refuse or waste steam, or any liquid of a temperature higher than forty-five degrees centigrade, being refuse or steam which, or a liquid which when so heated, is,

either alone or in combination with the contents of the drain, dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any dangerous petroleum.

(2) In this section, the expression "dangerous petroleum" has the same meaning as in the Petroleum Act, 1934.

5 30 of 1934.

Application  
by owners  
and occu-  
piers to  
drain into  
municipal  
drains.

241. (1) Subject to such conditions as may be prescribed by bye-laws made in this behalf, the owner or occupier of any premises having a private drain, or the owner of any private drain within Delhi may apply to the Commissioner to have his drain made to communicate with the municipal drains and thereby to discharge 10  
foul water and surface water from those premises or that private drain:

Provided that nothing in this sub-section shall entitle any person—

(a) to discharge directly or indirectly into any municipal drain—

15

(i) any trade effluent from any trade premises except in accordance with bye-laws made in this behalf; or

(ii) any liquid or other matter the discharge of which into municipal drains is prohibited by or under this Act or any other law; or

20

(b) where separate municipal drains are provided for foul water and for surface water, to discharge directly or indirectly—

(i) foul water into a drain provided for surface water; or

(ii) except with the permission of the Commissioner, 25  
surface water into a drain provided for foul water; or

(c) to have his drains made to communicate directly with a storm-water overflow drain.

(2) Any person desirous of availing himself of the provisions of sub-section (1) shall give to the Commissioner notice of his pro- 30  
posals, and at any time within one month after receipt thereof, the Commissioner may by notice to him refuse to permit the communication to be made, if it appears to him that the mode of construction or condition of the drain is such that the making of the communication would be prejudicial to the drainage system, and for the purpose 35  
of examining the mode of construction and condition of the drain he may, if necessary, require it to be laid open for inspection.

(3) The Commissioner may, if he thinks fit, construct such part of the work necessary for having a private drain made to communicate with a municipal drain, as is in or under a public street 40  
and in such a case, the expenses incurred by the Commissioner shall

be paid by the owner or occupier of the premises, or as the case may be, the owner of the private drain and shall be recoverable from the owner or occupier as an arrear of tax under this Act.

242. (1) Where any premises are in the opinion of the Commissioner, without sufficient means of effectual drainage and a municipal drain or some place approved by the Commissioner for the discharge of filth and other polluted and obnoxious matter is situated at a distance of not exceeding one hundred feet from any part of the said premises, he may, by written notice, require the owner of the said premises—

Drainage of undrained premises.

(a) to make a drain emptying into such municipal drain or place;

(b) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith;

(c) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is injurious to health;

(d) to provide a closed drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a closed drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing, which is or is likely to be injurious to health;

(e) to provide and set up all such appliances and fittings as may appear to the Commissioner to be necessary for the purpose of gathering and receiving the waste water from floors and galleries of buildings when they are washed, and conveying the same through spouts, by down-take pipes so as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises;

(f) to carry out any work to improve or re-model an existing drain which is inadequate, insufficient or faulty.

(2) Where in any case not provided for in sub-section (1) any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, he may, by written notice, require the owner of the premises—

(a) to construct a drain upto a point to be prescribed in such notice but not at a distance of more than one hundred feet from any part of the premises; or

(b) to construct a closed cesspool or soakage pit and drain or drains emptying into such cesspool or soakage pit.

(3) Any requisition for the construction of any drain under sub-section (2) may contain any of the details specified in sub-section (1).

New premises not to be erected without drains.

243. (1) It shall not be lawful to erect or to re-erect any premises in the urban areas or to occupy any such premises unless— 5

(a) a drain be constructed of such size, materials and descriptions, at such level and with such fall as shall appear to the Commissioner to be necessary for the effectual drainage of such premises; 10

(b) there have been provided and set up on such premises such appliances and fittings as may appear to the Commissioner to be necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing the drain of the said premises and every fixture connected therewith. 15

(2) The drain so constructed shall empty into a municipal drain situated at a distance of not exceeding one hundred feet from the premises; but if no municipal drain is situated within that distance then such drain shall empty into a cesspool situated within that distance to be specified by the Commissioner for the purpose. 20

Power to drain group or block of premises by combined operation.

244. (1) If it appears to the Commissioner that any group or block of premises may be drained more economically or advantageously in combination than separately, and a municipal drain of sufficient size already exists or is about to be constructed within one hundred feet of any part of that group or block of premises, the Commissioner may cause that group or block of premises to be drained by a combined operation. 25

(2) The expenses incurred in carrying out any work under sub-section (1) in respect of any group or block of premises shall be paid by the owners of such premises in such proportions as the Commissioner may determine and shall be recoverable from them as an arrear of tax under this Act. 30

(3) Not less than fifteen days before any such work is commenced, the Commissioner shall give to each such owner— 35

(a) written notice of the nature of the proposed work, and

(b) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

(4) The Commissioner may require the owners of such group or block of premises to maintain the work executed under this section 40

245. Where a drain connecting any premises with municipal drain is sufficient for the effectual drainage of such premises and is otherwise unobjectionable but is not, in the opinion of the Commissioner, adapted to the general system of drainage in Delhi, he may, by written notice addressed to the owner of the premises, direct—

Power of Commissioner to close or limit the use of private drains in certain cases.

(a) that such drain be closed, discontinued or destroyed and that any work necessary for that purpose be done; or

(b) that such drain shall, from such date as may be specified in the notice in this behalf, be used for filth and polluted water only or for rain water and unpolluted sub-soil water only:

Provided that—

(i) no drain may be closed, discontinued or destroyed by the Commissioner under clause (a) except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with any municipal drain which he thinks fit; and

(ii) the expenses of the construction of any drain so provided by the Corporation and of any work done under clause (a) may be paid out of the Municipal Fund.

246. (1) Where the Commissioner either on receipt of an application from the owner of any premises or otherwise is of the opinion that the only, or the most convenient means of effectual drainage of the premises into a municipal drain is through a drain belonging to another person, the Commissioner may by notice in writing require the owner of such drain to show cause within a period specified in the notice as to why an order under this section should not be made.

Use of a drain by a person other than the owner.

(2) Where no cause is shown within the specified period or the cause shown appears to the Commissioner invalid or insufficient, the Commissioner may by order in writing either authorise the owner of the premises to use the drain or declare him to be a joint owner thereof.

(3) An order made under sub-section (2) may contain directions as to—

(a) the payment of rent or compensation by the owner of the premises;

(b) the construction of a drain for the premises for the purpose of connecting it with the aforesaid drain;

(c) the entry upon the land in which the aforesaid drain is situate with assistants and workmen at all reasonable hours;

(d) the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the aforesaid drain.

**Sewage and rain water drains to be distinct.**

247. Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Commissioner to require that there shall be one drain for filth and polluted water and an entirely distinct drain for rain water and unpolluted sub-soil water or both rain water and unpolluted sub-soil water, each emptying into separate municipal drains or other suitable places.

**Power of Commissioner to require owner to carry out certain works for satisfactory drainage.**

248. For the purpose of efficient drainage of any premises, the Commissioner may, by notice in writing—

(a) require any courtyard, alley or passage between two or more buildings to be paved by the owner or owners of such buildings with such materials and in such manner as may be approved by the Commissioner, and

(b) require such paving to be kept in proper repair.

#### *Disposal of sewage*

**Appointment of places for the emptying of drains and disposal of sewage.**

249. The Commissioner may cause any or all of the municipal drains to empty into, and all sewage to be disposed of at, such place or places as he considers suitable:

Provided that no place which has not been before the commencement of this Act used for any of the purposes specified in this section shall, after such commencement be used therefor without the approval of the Corporation:

Provided further that on and after such date as may be appointed by the Central Government in this behalf no sewage shall be discharged into any water-course until it has been so treated as not to affect prejudicially the purity and quality of the water into which it is discharged.

#### *Miscellaneous*

**Connection with water works and drains not to be made without permission.**

250. Without the written permission of the Commissioner, no person shall, for any purpose whatsoever, at any time make or cause to be made any connection or communication with any drain referred to in section 239 or any water works, constructed or maintained by, or vested in, the Corporation.

251. (1) Without the written permission of the Commissioner no railway or private street shall be constructed and no building, wall, fence or other structure shall be erected on any municipal drain or on any water works constructed or maintained by, or vested in, the Corporation.

Buildings, railways and private streets not to be erected or constructed over drains or water works without permission.

(2) If any railway or private street be constructed or any building, wall, fence or structure erected on any drain or water works as aforesaid without the written permission of the Commissioner, the Commissioner may remove or otherwise deal with the same as he may think fit.

(3) The expenses incurred by the Commissioner in so doing shall be paid by the owner of the private street or of the building, fence, wall or other structure or, as the case may be, by the railway administration or the person offending and shall be recoverable as an arrear of tax under this Act.

252. (1) The Commissioner may place and maintain aqueducts, conduits and lines of mains or pipes or drains over, under, along or across any immovable property whether within or without the local limits of the Corporation, without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any aqueducts, conduits or lines of mains or pipes or drains, enter on any property over, under, along or across which the aqueducts, conduits or lines of mains or pipes or drains have been placed:

Rights of user of property for aqueducts, lines, etc.

Provided that the Corporation shall not acquire any right other than a right of user in the property over, under, along or across which any aqueduct, conduit or line of mains or pipes, or drain is placed.

(2) The powers conferred by sub-section (1) shall not be exercisable in respect of any property vested in the Union or under the control or management of the Central Government or railway administration or vested in any local authority save with the permission of the Central Government or railway administration or the local authority, as the case may be, and in accordance with any bye-laws made in this behalf:

Provided that the Commissioner may, without such permission, repair, renew or amend any existing works of which the character or position is not to be altered if such repair, renewal or amendment is urgently necessary in order to maintain without interruption the supply of water, drainage or disposal of sewage or is such that delay would be dangerous to health, human life or property.

(3) In the exercise of the powers conferred upon him by this section, the Commissioner shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience caused by him.

Power of owner of premises to place pipes and drains through land belonging to other persons.

253. (1) If it appears to the Commissioner that the only or most 5 convenient means of water supply to, and drainage of, any premises is by placing or carrying any pipe or drain over, under, along or across the immovable property of another person, the Commissioner may, by order in writing, authorise the owner of the premises to place or carry such pipe or drain over, under, along or across such 10 immovable property:

Provided that before making any such order the Commissioner shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by bye-laws made in this behalf as to why the order should not be 15 made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe or drain is placed or carried.

(2) Upon the making of an order under sub-section (1), the 20 owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe or drain over, under, along or across such immovable property or for the purpose of repairing the same. 25

(3) In placing or carrying a pipe or drain under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall—

(a) cause the pipe or drain to be placed or carried with the least practicable delay; 30

(b) fill in, re-instate and make good at his own cost and with the least practicable delay, any land opened, broken up or removed for the purpose of placing or carrying such pipe or drain; and

(c) pay compensation to the owner of the immovable 35 property and to any other person who sustains damage by reason of the placing or carrying of such pipe or drain.

(4) If the owner of the immovable property, over, under, along or across which a pipe or drain has been placed or carried under this section whilst such immovable property was not built upon, 40 desires to erect any building on such property, the Commissioner shall, by notice in writing, require the owner of the premises to



close, remove or divert the pipe or drain in such manner as shall be approved by him and to fill in, re-instate and make good the immovable property as if the pipe or drain had not been placed or carried over, under, along or across the same:

- 5 Provided that no such requisition shall be made unless in the opinion of the Commissioner it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof that the pipe or drain should be closed, removed or diverted.

254. If the Corporation places or carries any pipe or drain or does  
10 any other work connected with the water supply or drainage across any railway line, it may, with the sanction of the Central Government and at the cost of the Municipal Fund, require the railway administration to raise or lower the level thereof.
- Power to require railway level, etc., to be raised or lowered.

255. (1) When under the provisions of this Chapter any person  
15 may be required or is liable to execute any work, the Commissioner may, in accordance with the provisions of this Act and of any bye-laws made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by him for this purpose.
- Power of Commissioner to execute work after giving notice to the person liable.

- 20 (2) The expenses incurred or likely to be incurred by the Commissioner in the execution of any such work shall be payable by the said person and the expenses incurred by the Commissioner in connection with the maintenance of such work or the enjoyment of amenities and conveniences rendered possible by such work shall  
25 be payable by the person or persons enjoying such amenities and conveniences.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefor as an arrear of tax under this Act.

- 30 256. For the purpose of ventilating any drain or cesspool, whether vested in the Corporation or not, the Commissioner may, in accordance with bye-laws made in this behalf, erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as may appear to him to be necessary.
- Power of Commissioner to affix shafts, etc., for ventilation of drain or cesspool.

- 35 257. (1) Where it appears to the Commissioner that there are reasonable grounds for believing that a private drain or cesspool is in such condition as to be prejudicial to health or a nuisance or that a private drain communicating directly or indirectly with a municipal drain is so defective as to admit sub-soil water, he may examine  
40 its condition, and for that purpose may apply any test, other than a test by water under pressure, and if he deems it necessary, open the ground.
- Power of Commissioner to examine and test drains, etc., believed to be defective.

(2) If on examination the drain or cesspool is found to be in proper condition, the Commissioner shall, as soon as possible, reinstate any ground which has been opened by him and make good any damage done by him.

Bulk supply of water to the New Delhi Municipal Committee and the Military Engineer Services, Delhi Cantonment.

258. The Corporation shall be bound to supply to the New Delhi Municipal Committee and the Military Engineer Services, Delhi Cantonment, at the place or places at which immediately before the commencement of this Act the Delhi Joint Water and Sewage Board constituted under the Delhi Joint Water and Sewage Board Act, 1926, used to supply water to that Committee or those Services or at such other place or places as may be agreed between the Corporation and that Committee or, as the case may be, those Services, water in bulk up to the amount demanded by the said Committee or Services or, if their total demand is in excess of the available supply, up to such proportion as the Corporation may, on the recommendation of the Delhi Water Supply and Sewage Disposal Committee, determine: 10 23 of 1926. 15

Provided that the quantity of water supplied *per capita* to the New Delhi Municipal Committee by the Delhi Joint Water and Sewage Board immediately before the commencement of this Act shall not be reduced after such commencement except with the previous permission of the Central Government. 20

New Delhi Municipal Committee and the Military Engineer Services to pay actual cost of supply of water.

259. (1) The New Delhi Municipal Committee and the Military Engineer Services, Delhi Cantonment, shall pay for the water supplied to them the actual cost of supply of such water at the rate in respect of each thousand gallons of water supplied (hereinafter referred to as "the final issue rate") calculated in the manner prescribed in this section. 25

(2) The final issue rate shall be calculated for each year after the accounts of the year have been closed by dividing the amount of the total expenditure of the Corporation during the year by the number of thousand gallons of water supplied by the Corporation during that year to itself and to the New Delhi Municipal Committee and the Military Engineer Services. 30

(3) For the purpose of sub-section (2), there shall be taken into account such items of expenditure incurred by the Corporation as may be determined by rules made by the Central Government in this behalf. 35

Provisional collecting rate.

260. (1) Pending the calculation of final issue rate for any year, payments of water supplied during that year to the New Delhi Municipal Committee or the Military Engineer Services shall be made provisionally at an estimated rate (hereinafter referred to as "provisional rate") 40

(2) The collecting rate shall be calculated at the time of framing of the budget estimates for the year by dividing the sum of the amount of the estimated expenditure of the Corporation in that year and of an addition of five per cent. of that amount by the number  
5 of thousand gallons of water estimated as likely to be supplied during that year.

(3) If any difference of opinion arises as to the supply of water to be estimated for the purposes of the ascertainment of the collecting rate, the decision of the Administrator thereon shall be final.

10 (4) The New Delhi Municipal Committee and the Military Engineer Services shall pay on demand after the close of each quarter of each year the cost of the water supplied to them in that quarter calculated at the collecting rate.

(5) Nothing in this section shall preclude the Corporation from  
15 arranging with the consent of the New Delhi Municipal Committee or the Military Engineer Services and in accordance with any order issued by the Administrator for advance payments by each such authority of the cost (calculated at the collecting rate) of such quantities of water as are likely to be supplied to each of them in  
20 each quarter or for such other period as may be determined by the Administrator.

261. (1) If the final issue rate for any year exceeds the collecting rate determined for that year, the balance due shall be recovered  
from the New Delhi Municipal Committee or, as the case may be,  
25 from the Military Engineer Services. Final settlement of accounts.

(2) If the final issue rate is less than the collecting rate, the excess collection shall be refunded to the New Delhi Municipal Committee or, as the case may be, to the Military Engineer Services.

262. (1) For the purpose of measuring and recording the amount  
30 of water supplied to the New Delhi Municipal Committee or, as the case may be, to the Military Engineer Services, the Commissioner shall affix meters at the points of junction between the communication pipes of the New Delhi Municipal Committee, or as the case may be, of the Military Engineer Services and the mains or pipes  
35 belonging to the Corporation, and the cost of such meters shall be borne by the Corporation. Supply of meters.

(2) It shall be presumed, until the contrary is proved, that the quantity of water supplied through any connection is the quantity indicated by the meter affixed to that connection.

40 263. (1) If the New Delhi Municipal Committee or, as the case may be, the Military Engineer Services desire to have any meter tested, it may make an application in this behalf accompanied by Testing of meters.

a fee of two hundred and fifty rupees to the Commissioner and on receipt of such application and fee, the Commissioner shall forthwith cause the meter to be tested at a time and place of which due notice shall have been given to the authority concerned.

(2) If the meter is found on being tested to be incorrect, the Commissioner shall be bound to replace or repair the same and to refund the fee paid under sub-section (1) together with such sum, if any, as is proved to the satisfaction of the Commissioner to have been paid in excess by reason of the incorrectness of the meter.

Disposal of  
sewage of  
New Delhi.

**264.** (1) The Corporation shall be bound to receive in bulk from the New Delhi Municipal Committee all sewage delivered by that Committee and to dispose of such sewage:

Provided that the New Delhi Municipal Committee shall not execute any major work calculated to increase the normal discharge of sewage without the concurrence of the Corporation.

(2) Sewage received in pursuance of the provisions of sub-section (1) shall be the property of the Corporation and any income derived from the sale of effluent or sludge shall be credited to the Water Supply and Sewage Disposal Account of the Municipal Fund.

(3) If any disagreement arises between the Corporation and the New Delhi Municipal Committee as to the effect of the execution of any work or the doing of anything, the matter shall be referred to the Central Government whose decision shall be final.

New Delhi  
Municipal  
Committee  
to pay cost  
of disposal  
of sewage.

**265.** (1) Subject to the provisions of section 267 the total net cost of the disposal of all sewage shall be borne by the Corporation and the New Delhi Municipal Committee in such proportion as the Central Government may, from time to time, determine.

(2) In determining the total net cost of disposal of all sewage there shall be taken into account such items of expenditure incurred by the Corporation as may be determined by rules made by the Central Government in this behalf.

Manner of  
payment by  
the New  
Delhi Mu-  
nicipal  
Committee  
of propor-  
tion of cost  
of disposal  
of sewage.

**266.** (1) The estimated net cost of the disposal of sewage increased by five per cent, shall be payable on demand by the New Delhi Municipal Committee after the close of each quarter of each year in accordance with the proportions determined under sub-section (1) of section 265.

(2) If the sum so paid by the New Delhi Municipal Committee in any year exceeds or is less than the sum payable by it on the basis of the actual cost as determined under section 265, the payments to be made by that body in the following year shall be adjusted accordingly.

(3) Nothing in this section shall preclude the Corporation from arranging with the consent of the New Delhi Municipal Committee and in accordance with any orders issued by the Administrator for advance payment by that Committee of such portion of the cost of the disposal of sewage as is likely to be borne by it in such quarter or such other period as may be determined by the Administrator.

267. (1) If any dispute arises between the Corporation and the New Delhi Municipal Committee or, as the case may be, the Military Engineer Services as to the liability of the said Committee or Services to pay any sum demanded by the Corporation or as to the right of the said Committee or Services to any refund, or as to the amount of any refund, from the Corporation, then, the New Delhi Municipal Committee or, as the case may be, the Military Engineer Services may require the Corporation to refer the matter in dispute to the Central Government and the decision of the Central Government thereon shall be final:

Disputes as to liability for payments to or by the Corporation.

Provided that, where the dispute relates to the liability of the New Delhi Municipal Committee or, as the case may be, the Military Engineer Services to make any payment to the Corporation, the payment shall be made to the Corporation pending the decision of the Central Government.

(2) In making any such reference, the Corporation shall furnish to the Central Government and the New Delhi Municipal Committee or, as the case may be, the Military Engineer Services a full statement of the grounds of the dispute and the Central Government shall consider that statement together with a like statement received from the said Committee or Services within six weeks of the date of the reference.

268. If the New Delhi Municipal Committee or, as the case may be, the Military Engineer Services does not, within one month of the receipt of demand for any sum claimed by the Corporation, pay such sum, the Administrator may, on the requisition from the Corporation in this behalf—

Summary recovery of sums due from the New Delhi Municipal Committee or the Military Engineer Services.

(a) if the balances of the said Committee or Services are kept in the Government Treasury, order the officer incharge of the Treasury to reduce the balances at the credit of the said Committee or Services by the amount of the sum due and pay that amount to the Corporation, or

(b) in any other case deduct the amount of the sum due from any contribution or sum payable by the Central Government to the said Committee or Services and pay the amount so deducted to the Corporation.

Corporation not to give up certain works, etc., without permission of the Central Government.

269. Without the previous permission of the Central Government, the Corporation or the Delhi Water Supply and Sewage Disposal Committee or the Commissioner shall not—

(a) give up any scheme of work approved by the Delhi Joint Water and Sewage Board, or 5

(b) give up or slow down the execution of any work undertaken by the said Board in pursuance of any such scheme.

Employment of Government agencies for repairs, etc.

270. The Central Government may for reasons to be recorded, direct that any specified work, repair, renewal or replacement which is to be undertaken by or for the Corporation under this Chapter, 10 shall be carried out on behalf of the Corporation by the Central Government and the Corporation shall pay the charges therefor at the rates and subject to the terms for the time being applicable in the case of works constructed by that Government on behalf of a local authority. 15

Work to be done by licensed plumber.

271. (1) No person other than a licensed plumber shall execute any work described in this Chapter and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in the opinion of the Commissioner, the work is of a trivial nature, he may grant permission in writing for the 20 execution of such work by a person other than a licensed plumber.

(2) Every person who employs a licensed plumber to execute any work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) When any work is executed except in accordance with the 25 provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the Commissioner without prejudice to the right of the Corporation to prosecute under this Act the person at whose instance such work has been executed.

(4) The Corporation may make bye-laws for the guidance of 30 licensed plumbers and a copy of all such bye-laws shall be attached to every licence granted to a plumber by the Corporation.

(5) The Delhi Water Supply and Sewage Disposal Committee may, from time to time, prescribe the charges to be paid to licensed plumbers for any work done by them under or for any of the pur- 35 poses of this Chapter.

(6) No licensed plumber shall, for any work referred to in sub-section (5), demand or receive more than the charges prescribed therefor under that sub-section.

(7) The Corporation shall make bye-laws providing for— 40

- (a) the exercise of adequate control on all licensed plumbers;
- (b) the inspection of all works carried out by them; and

(c) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, delay in execution of work, and the charges made, by a licensed plumber.

5 (8) No licensed plumber shall contravene any of the bye-laws made under this section or execute carelessly or negligently any work under this Act or make use of bad materials, appliances or fittings.

(9) If any licensed plumber contravenes sub-section (8), his  
10 licence may be suspended or cancelled whether he is prosecuted under this Act or not.

272. (1) No person shall—

Prohibition  
of certain  
acts.

(a) wilfully obstruct any person acting under the authority  
of the Corporation, the Delhi Water Supply and Sewage Dis-  
posal Committee or the Commissioner, in setting out the lines  
15 of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out lines of such work or deface or destroy any works made for the same purpose; or

(b) wilfully or negligently break, injure, turn on, open,  
20 close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other work or apparatus belonging to the Corporation; or

(c) unlawfully obstruct the flow of, or flush, draw off, or divert, or take water from any water work belonging to the  
25 Corporation or any water course by which any such water work is supplied; or

(d) unlawfully obstruct the flow of or flush, draw off, divert or take sewage from any sewage work belonging to the Corporation or break or damage any electrical transmission  
30 line maintained by the Corporation; or

(e) obstruct any officer or other employee of the Corporation in the discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry  
35 thereunder in relation to any water or sewage work; or

(f) bathe in, at or upon any water work or wash or throw or cause to enter therein any animal, or throw any rubbish, dirt or filth into any water work or wash or clean therein any cloth, wool or leather or the skin of any animal, or cause the  
40 water of any sink, or drain or any steam-engine or boiler or any polluted water to turn or be brought into any water work, or do any other act whereby the water in any water work is fouled or likely to be fouled.

(2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stopcock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

## CHAPTER XIII

5

### ELECTRICITY SUPPLY

#### Definitions.

273. In this Chapter, unless the context otherwise requires,—

(a) the expressions “generating station” and “main transmission line” have the same meaning as in the Electricity (Supply) Act, 1948;

10 54 of 1948.

(b) the word “licensee” has the same meaning as in the Indian Electricity Act, 1910.

9 of 1910.

#### Functions in relation to electricity supply.

274. (1) It shall be the duty of the Delhi Electric Supply Committee to develop and maintain an efficient, co-ordinated and economical system of electricity supply for the whole of the Union territory of Delhi and for that purpose to take steps from time to time—

(a) for generating or acquiring supplies of electricity;

(b) for providing supplies of electricity for licensees and persons other than licensees for whom immediately before the establishment of the Corporation the Delhi State Electricity Board constituted under the Electricity (Supply) Act, 1948, was providing, or competent to provide, such supplies under that Act; and

54 of 1948.

(c) for preparing and carrying out in accordance with rules made in this behalf schemes for the generation and supply of electricity;

Provided that without the previous permission of the Central Government the Corporation or the Delhi Electric Supply Committee, or the General Manager (Electricity), shall not—

30

(i) give up any scheme prepared and sanctioned by the Delhi State Electricity Board; or

(ii) give up or slow down execution of any work undertaken in pursuance of any such scheme.

(2) In the discharge of its functions in relation to electricity supply, the Delhi Electric Supply Committee shall, as far as practicable—

(a) promote the use of all economical methods of generating transmitting and distributing electricity;



- (b) secure the development of supplies of electricity;
- (c) secure the extension of supplies of electricity to areas without such supplies;
- (d) promote the standardisation of systems of supply and types of electrical fittings;
- (e) promote the simplification and standardisation of methods of charge for supplies of electricity.

275. (1) The Delhi Electric Supply Committee may take steps in accordance with the provisions of this Act to manufacture, purchase, sell or let on hire on the execution of a hire-purchase agreement or otherwise, any electrical machinery, control gear, fittings, wires or apparatus for lighting, heating, cooling or motive power or for any other purpose for which electricity can or may be used, or any industrial or agricultural machinery operated by electricity, and to instal, connect, repair, maintain or remove such machinery, control gear, fittings, wires or apparatus and in respect thereof demand and take such remuneration or rents and charges and make such terms and conditions as it deems fit.

Additional functions in relation to electricity supply.

(2) The Committee may also maintain shops and show rooms for the display, sale or hire of machinery, control gear, fittings, wires or apparatus as aforesaid, conduct displays, exhibitions and demonstrations thereof and generally do all things, including advertising incidental to the sale or hire of such machinery, control gear, fittings, wires and apparatus and to the promotion and encouragement of the use of electricity.

(3) Moneys received and expended in connection with any undertakings under this section shall be shown separately in the Electric Supply Accounts.

276. Subject to the provisions of this Act, the Corporation shall in respect of the whole of the Union territory of Delhi, have all the powers and obligations of a licensee under the Indian Electricity Act, 1910, and this Chapter shall be deemed to be the licence of the Corporation for the purposes of that Act:

Corporation to have powers and obligations of licensee under Act 9 of 1910.

Provided that nothing in sections 3 to 11 of, or in clauses I to IX of the Schedule to, that Act relating to the duties and obligations of a licensee shall apply to the Corporation.

277. (1) The Delhi Electric Supply Committee may take steps in accordance with the provisions of this Act,—

Power to construct or acquire new undertakings, etc.

(a) to construct or acquire in any part of the Union territory of Delhi subject to the provisions of the Indian Electricity Act, 1910, or of any other law for the time being in force, under-

takings for the generation or supply of electricity and for electric traction, and enter into any agreement with any person for the supply of electricity to or by the Corporation;

(b) to construct buildings or works of every description necessary or desirable for the maintenance, operation and development of the Delhi Electric Supply Undertaking in any part of the Union territory of Delhi;

(c) to purchase or take on lease or hire or otherwise acquire any movable property or immovable property or any rights in any such property in any part of the Union territory of Delhi. 10

(2) The General Manager (Electricity) shall, on behalf of the Corporation, exercise all the powers and be subject to all the obligations of a licensee under the Indian Electricity Act, 1910, or any other law for the time being in force relating to the generation or supply of electricity. 15

Power of carrying out, renewing and repairing works.

278. (1) For the purpose of carrying out, renewing and repairing works in connection with the Delhi Electric Supply Undertaking, the General Manager (Electricity) may, in any part of the Union territory of Delhi, exercise the same powers as under the provisions of Chapter XII the Commissioner may exercise for carrying out, renewing, and repairing works relating to water supply or sewage disposal subject to the same restrictions as are by this Act imposed on the exercise of such powers. 20

(2) When a work undertaken by the General Manager (Electricity) involves the opening or breaking up of any street, such work shall not be commenced and carried out except in consultation with the Commissioner or with such officer as the Commissioner may designate in this behalf. 25

Restriction on building and other acts interfering with the works of Undertaking.

279. (1) No building, wall or other structure shall be newly erected and no street or railway shall be constructed over, or in such a manner as to interfere with, any work constructed or maintained for the purposes of the Delhi Electric Supply Undertaking except with the written permission of the General Manager (Electricity). 30

(2) The General Manager (Electricity) may, with the approval of the Delhi Electric Supply Committee cause any building, wall or other structure erected, or any street or railway constructed in contravention of sub-section (1), to be removed or otherwise dealt with as he deems fit, and the expenses incurred therefor shall be paid by the person or authority responsible and shall be recoverable from such person or authority as an arrear of tax under this Act. 35 40

280. (1) The Corporation may on the recommendation of the Delhi Electric Supply Committee, enter into an agreement with any licensee within the Union territory of Delhi in regard to the purchase or sale of electricity and the price thereof or in regard to the purchase, operation or control of any generating station or main transmission line and notwithstanding anything contained in any law or in any licence, memorandum of association or other instrument regulating the constitution and powers of the licensee, it shall be lawful for the licensee to enter into and carry out any such agreement.

Power of Corporation to make arrangement with licensees.

(2) In entering into an agreement under this section the Corporation shall not show any undue preference to any licensee.

281. (1) Notwithstanding anything contained in any other law for the time being in force or in any licence, it shall not be lawful for a licensee or any other person, except with the permission in writing of the Corporation granted on application made in this behalf, to establish or acquire a new generating station or to extend or replace any major unit of plant or works pertaining to the generation of electricity in a generating station.

Restriction on establishment of new generating stations or major additions to or replacement of plant in generating stations.

(2) There shall be stated in every application for permission under this section such particulars as the Corporation may reasonably require of the station, plant or works, as the case may be, in respect of which it is made, and where permission is given thereto, in acting in pursuance of such permission the applicant shall not, without the further permission of the Corporation, make any material variation in the particulars so stated.

282. Subject to the provisions of any law for the time being in force, charges shall be leviable for the supply of electricity by the Corporation at such rates as may, from time to time, be fixed by the Delhi Electric Supply Committee with the approval of the Corporation.

Charges for supply of electricity.

283. The Corporation shall be bound to provide bulk supplies of electricity for the New Delhi Municipal Committee and the Military Engineer Services, Delhi Cantonment, upto the quantity demanded by each of these authorities, or if the total demand is in excess of the available supply, up to such proportion in the case of each of these authorities as the Corporation may, with the approval of the Central Government, determine.

Bulk supply of electricity to the New Delhi Municipal Committee and Military Engineer Services, Delhi Cantonment.

284. The New Delhi Municipal Committee or, as the case may be, the Military Engineer Services, Delhi Cantonment, shall pay for the electricity supplied to it the actual cost of supply of such electricity.

Payment of actual cost of supply of electricity.

electricity at such rate or rates as may be determined by agreement between the Corporation and the authority concerned:

Provided that in the case of any dispute between the Corporation and any such authority as to the rate, the dispute shall be referred to the Central Government whose decision thereon shall be final. 5

Dissolution  
of the Delhi  
State Elec-  
tricity  
Board.

285. (1) The Delhi State Electricity Board constituted under the Electricity (Supply) Act, 1948, shall cease to function as from, and shall be deemed to be dissolved on, the date of the establishment of the Corporation under this Act. 54 of 1948.

(2) On the dissolution of the Board— 10

(a) the provisions of the Electricity (Supply) Act, 1948, relating to State Electricity Boards shall cease to have effect in the Union territory of Delhi; and 54 of 1948.

(b) the other provisions of that Act shall have effect therein as if the Delhi State Electricity Board had never been consti- 15  
tuted.

## CHAPTER XIV

### TRANSPORT SERVICES

Definitions.

286. In this Chapter, unless the context otherwise requires,—

(a) "road transport service" means a service carrying 20  
passengers or goods or both by road in vehicles for hire or  
reward;

(b) "vehicle" means any mechanically propelled vehicle,  
used or capable of being used for the purpose of road transport,  
and includes a tram car, a trolley-vehicle and a tractor; 25

(c) words and expressions used but not defined in this  
Chapter and defined in the Motor Vehicles Act, 1939, have the 4 of 1939.  
meanings assigned to them in that Act.

Functions in  
relation to  
transport  
services.

287. It shall be the general duty of the Delhi Transport Com-  
mittee to take steps from time to time for providing or securing or 30  
promoting the provision of an efficient, adequate, economical and  
properly co-ordinated system of road transport services for passen-  
gers and goods in the Union territory of Delhi and in any area to  
which the operation of any road transport service of the Corporation  
has been extended (hereafter in this Chapter referred to as "ex- 35  
tended area") in the manner provided in section 291 and for that  
purpose—

(a) to operate road transport services in the Union territory  
of Delhi and in any extended area;

(b) to provide for any ancillary service. 40

**288. (1)** The Delhi Transport Committee may take steps in accordance with the provisions of this Act—

Powers in  
relation to  
transport  
services.

5 (a) to manufacture, purchase, maintain and repair rolling-stock, vehicles, appliances, plant, equipment or any other thing required for the efficient operation of the Delhi Transport Undertaking;

10 (b) to acquire in accordance with schemes prepared under this Act either compulsorily in accordance with such procedure as may be prescribed by bye-laws made in this behalf or by agreement, whether absolutely or for any period, the whole or any part of any transport service operated by any other person to the extent to which the activities thereof consist of the operation of road transport services or ancillary services in the Union territory of Delhi or in any extended area;

15 (c) to construct buildings or works of every description necessary or desirable for the maintenance, operation and development of the Delhi Transport Undertaking;

(d) to dispose of scrap vehicles, old tyres, used oils and any other stores of scrap value;

20 (e) to purchase vehicles of such type as may be suitable for use in the road transport services operated under this Act;

25 (f) to purchase or otherwise secure by agreement vehicles, garages, sheds, office buildings, depots, land, workshops, equipment, tools, accessories to and spare parts for vehicles or any other article owned or possessed by any dealer or the owner of any other transport service;

30 (g) to do anything for the purpose of advancing the skill of persons employed for the purpose of the Undertaking or the efficiency of the equipment necessary for the Undertaking or of the manner in which that equipment is operated, including the provision of facilities for training, education and research;

35 (h) to enter into and carry out agreements with any person carrying on business as a carrier of passengers or goods providing for the carriage of passengers or goods on behalf of the Corporation by that other person at a through fare or freight;

(i) to do all other things to facilitate the proper carrying on of the business of the Undertaking.

(2) Nothing in this section shall be construed as authorising the Corporation or the Delhi Transport Committee or the General

Manager (Transport) except with the previous permission of the Central Government,—

(a) to manufacture or maintain anything which is not required directly or indirectly for use for the purpose of the Undertaking or to repair, store or provide any service for, any 5 vehicle which does not belong to the Corporation or is not used directly or indirectly for the purpose of the Undertaking;

(b) to purchase any vehicle for the purpose of sale to any person, or to sell or supply to any person lubricants, spare parts or equipment for, or accessories to, vehicles; 10

(c) to let vehicles on hire for the carriage of passengers or goods save as expressly provided by or under this Act.

(3) The Delhi Transport Committee shall, with the previous approval of the Corporation and in the case of road transport service operated in any extended area also with the previous approval of 15 the Government of the State within which such extended area is situated, determine the fares and freights for the carriage of passengers and goods in any road transport service operated under this Act.

Preparation  
of schemes.

289. With a view to developing road transport services on any 20 route or in any area within the Union territory of Delhi, the General Manager (Transport) may, from time to time, prepare schemes not inconsistent with this Act for starting new road transport services or augmenting its existing road transport services on such route or in such area in which provision may be made for all 25 or any of the following matters, namely:—

(a) the purchase of chassis of motor vehicles or vehicles of a suitable type;

(b) the making of arrangements for building suitable types of bodies for vehicles; 30

(c) the erection of stands and sheds for passengers and goods;

(d) the purchase of equipment, tools and spare parts for, and accessories to, vehicles; and

(e) such supplemental, incidental and consequential provi- 35 sions as may appear necessary or expedient for any of the purposes aforesaid.

Sanction of  
schemes.

290. (1) The General Manager (Transport) shall, after a scheme has been prepared under section 289, obtain the advice of the Delhi Transport Committee thereon and place the scheme with the advice 40 before the Corporation.

(2) The Corporation may, after considering the advice so obtained either sanction the scheme without modifications or with such modifications as it may deem necessary or reject the scheme.

291. (1) If the General Manager (Transport) considers it to be expedient in the public interest to extend the operation of any of the road transport services to any area within another State he may, with the previous approval of the Delhi Transport Committee and the Corporation, negotiate with the Government of that State regarding the proposed extension.

Extension of operation of the road transport services of the Corporation to areas within another State.

(2) If the Government of that State approves the proposed extension, the General Manager (Transport) shall prepare a scheme for the purpose and submit the same to the Corporation for its approval through the Delhi Transport Committee.

(3) After the scheme has been approved by the Corporation, it shall be competent for the General Manager (Transport) to extend the operation of the road transport service to such area and when the operation of such service is so extended, he shall operate the service in that area subject to the provisions of any law in force in the State within which such area is situated.

292. The General Manager (Transport) may, from time to time, alter or extend a scheme by a supplementary scheme prepared and sanctioned in the manner provided in the foregoing provisions of this Chapter.

Power to alter or extend the schemes.

293. In carrying on the Delhi Transport Undertaking, the General Manager (Transport) shall act as far as possible on business principles.

The Undertaking to be run on business principles.

294. The Motor Vehicles Act, 1939 (in this section referred to as the said Act) shall have effect subject to the following provisions, namely:—

Application of the provisions of the Motor Vehicles Act, 1939, or any rules made there under the vehicles and employees of the Undertaking.

(a) the Central Government may, by notification in the Official Gazette, authorise subject to such terms and conditions, if any, as it may deem fit to impose, any person to exercise and perform to the exclusion of the Licensing Authority, Registering Authority, Motor Vehicles Inspector, Traffic Inspector, Regional Transport Authority or State Transport Authority, as the case may be, and without following the procedure laid down for the purpose in the said Act all or such of the powers, functions and duties of the Licensing Authority, Registering Authority, Motor Vehicles Inspector, Traffic Inspector, Regional Transport Authority or the State Transport Authority under the said Act or under the rules made thereunder in relation to motor vehicles of the Corporation and the drivers and

conductors of those vehicles as may be specified in the notification;

(b) the Central Government may, if it so thinks necessary, by order, cancel, suspend or vary the conditions of any stage carriage, contract carriage or public carrier's permit which has been granted or countersigned under Chapter IV of the said Act by any Regional Transport Authority in the Union territory of Delhi or by the State Transport Authority, Delhi, and is valid within the whole or any part of that territory and any order so passed shall be final;

(c) if the Central Government, by order in writing so directs, any Regional Transport Authority within the Union territory of Delhi or the State Transport Authority, Delhi, shall not grant, countersign or renew any permit under Chapter IV of the said Act other than a private carrier's permit;

(d) the Central Government may, by order in writing, exempt the motor vehicles of the Corporation or the employees of the Undertaking from the provisions of the said Act or of any rules made thereunder relating to the carrying of certificates of registration and fitness.

Power of Central Government to exempt vehicles of the Corporation from payment of certain charges.

**295.** The Central Government may, by order in writing, exempt all or any of the vehicles from payment of any tolls or other charges leviable under any enactment for the use of the road within the Union territory of Delhi.

Maintenance and repairs of portion of streets where tramway is laid.

**296.** The General Manager (Transport) shall cause to be maintained and kept in good condition and repair so much of any street wherein any tramway is laid as lies between the rails of the tramway and where two tramways are laid in any street at a distance of not more than six feet from each other, the portion of the street between the tramways and in any case as much of the street as extends eighteen inches beyond the rails of, and on each side of, any such tramway.

## CHAPTER XV

### STREETS

*Construction, maintenance and improvement of streets*

Vesting of public streets in the Corporation.

**297. (1)** All streets within Delhi which are or at any time become public streets, and the pavements, stones and other materials there shall vest in the Corporation:

Provided that no public street which immediately before the commencement of this Act vested in the Union shall, unless the



Central Government with the consent of the Corporation so directs, vest in the Corporation by virtue of this sub-section.

(2) All public streets vesting in the Corporation shall be under the control of the Commissioner and shall be maintained, controlled and regulated by him in accordance with the bye-laws made in this behalf.

298. (1) The Commissioner shall from time to time cause all public streets vested in the Corporation to be levelled, metalled or paved, channelled, altered or repaired, and may widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered or may place and keep in repair fences and posts for the safety of foot-passengers:

Functions of Commissioner in respect of public streets.

Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees, shall be undertaken by the Commissioner except with the previous sanction of the Corporation.

(2) With the previous sanction of the Corporation the Commissioner may permanently close the whole or any part of a public street:

Provided that before according such sanction the Corporation shall by notice published in the manner specified by bye-laws give reasonable opportunity to the residents likely to be affected by such closure to make suggestions or objections with respect to such closure and shall consider all such suggestions or objections which may be made within one month from the date of the publication of the said notice.

299. Whenever any public street or a part thereof is permanently closed under sub-section (2) of section 298 the site of such street or of the portion thereof may be disposed of as land vesting in the Corporation.

Disposal of land forming site of public streets permanently closed.

300. The Commissioner may at any time with the previous sanction of the Corporation,—

Power to make new public streets.

(a) lay out and make new public streets;

(b) construct bridges and sub-ways;

(c) turn or divert any existing public street; and

(d) lay down and determine the position and direction of a street or streets in any part of Delhi notwithstanding that no proposal for the erection of any building in the vicinity has been received.

Minimum  
width of new  
public  
streets.

**301.** The Commissioner shall, from time to time, with the sanction of the Standing Committee, specify the minimum width of different classes of new public streets according to the nature of the traffic likely to be carried thereon, and the streets with which they join at one or both ends, the localities in which they are situated, the heights up to which buildings abutting thereon may be erected and other similar considerations. 5

Power to  
prohibit  
use of pub-  
lic streets  
for certain  
kind of  
traffic.

**302.** (1) The Commissioner may—

(a) prohibit vehicular traffic in any public street or any portion thereof so as to prevent danger, obstruction or inconvenience to the public or to ensure quietness in any locality; 10

(b) prohibit in respect of all public streets, or any particular public street, the transit of any vehicle of such form, construction, weight or size or laden with such heavy or unwieldy objects as may be likely to cause injury to the roadways or any construction thereon, except under such conditions as to time, mode of traction or locomotion, use of appliances for the protection of roadways, number of lights and assistants and other general precautions and upon the payment of such charges as may be specified by the Commissioner generally or specially in each case; 15

(c) prohibit access to premises from any particular public street carrying high speed vehicular traffic; 20

Provided that in cases under clause (a) the Commissioner shall not take action without the sanction of the Corporation. 25

(2) Notices of such prohibition as are imposed under sub-section (1) shall be posted in conspicuous places at or near both ends of public streets or portions thereof to which they relate, unless such prohibition applies generally to all public streets.

Power to  
acquire  
lands and  
buildings for  
public  
streets and  
for public  
parking  
places.

**303.** Subject to the provisions contained in Chapter X, the Commissioner may— 30

(a) acquire any land required for the purpose of opening, widening, extending or otherwise improving any public street or of making any new public street, and any building standing upon such land; 35

(b) acquire in relation to any such land or building, all such land with buildings, if any, thereon as the Committee may think expedient to acquire outside of the regular line, or of the intended regular line, of such street;

(c) acquire any land for the purpose of laying out or making a public parking place.

**304.** (1) The Commissioner may define a line on one or both sides of any public street in accordance with the bye-laws made in this behalf and may, with the previous sanction of the Corporation, redefine at any time any such regular line: Defining the regular line of streets.

5     Provided that, before according sanction the Corporation shall by public notice afford reasonable opportunity to the residents of premises abutting on such public street to make suggestions or objections with respect to the proposed redefined line of the street and shall consider all such suggestions or objections which may be made  
10    within one month from the date of the publication of the said notice:

      Provided further that the regular line of any public street operative under any law in force in any part of Delhi immediately before the commencement of this Act shall be deemed to be a line defined by the Commissioner under this sub-section.

15    (2) The line for the time being defined or redefined shall be called the regular line of street.

      (3) No person shall construct or reconstruct any building or a portion thereof or any boundary wall or other structure whatsoever within the regular line of a street except with the written permission  
20    of the Commissioner:

      Provided that if within sixty days after the receipt of application from any person for permission to construct or reconstruct a boundary wall or a portion thereof, the Commissioner fails to take steps to acquire the land within the regular line of the street in  
25    accordance with section 307, then, that person may, subject to any other provisions of this Act and the bye-laws made thereunder, proceed with the work of construction or reconstruction of such boundary wall or portion thereof.

      (4) When the Commissioner grants permission for the construction or reconstruction of any building or any boundary wall or other structure within the regular line of a street, he may require the owner of the building to execute an agreement binding himself and his successors-in-interest not to claim compensation in the event of the Commissioner at any time thereafter calling upon him or any  
30    of his successors by written notice to remove any work carried out in pursuance of such permission and to pay the expenses of such removal if, in default, such removal is carried out by the Commissioner and may for that purpose require such owner to deposit in the Municipal Fund such sum as may be determined by him.

40    (5) The Commissioner shall maintain—

      (a) a register containing such particulars as may be specified by him in this behalf with plans attached thereto showing

all public streets in respect of which the regular line of the street has been defined or redefined and containing any other particulars which the Commissioner may deem necessary;

(b) a register of all agreements executed under sub-section (4) and of all deposits made thereunder. 5

(6) All such registers shall be open to inspection by any person on payment of such fee as may be prescribed by the Commissioner with the sanction of the Standing Committee.

(7) Any agreement entered into in pursuance of sub-section (4) shall be in writing, shall be registered under the Indian Registration Act, 1908, and shall be deemed to be an agreement in respect of the land to which it relates and any condition contained in such agreement shall be deemed to be an obligation annexed to the ownership of the said land and enforceable against the successors-in-interest of the owner of such land. 10 16 of 1908. 15

Setting back building to regular line of street.

**305.** (1) If any part of a building abutting on a public street is within the regular line of that street, the Commissioner may, whenever it is proposed—

(a) to repair, rebuild or construct such building or to take down such building to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or 20

(b) to repair, remove, construct or reconstruct or make any additions to, or structural alterations of, any portion of such building which is within the regular line of the street, 25

by any order which he issues concerning the additions to, rebuilding, construction, repair or alterations of, such building, require such building to be set back to the regular line of the street.

(2) When any building or any part thereof within the regular line of a public street falls down or is burnt down or is, whether by the order of the Commissioner or otherwise, taken down, the Commissioner may forthwith take possession on behalf of the Corporation of the portion of the land within the regular line of the street theretofore occupied by the said building and, if necessary, clear the same. 35

(3) Land acquired under this section shall be deemed to be a part of the public street and shall vest in the Corporation.

Compulsory setting back of building to regular line of street.

**306.** (1) Where any building or any part thereof is within the regular line of a public street and in the opinion of the Commissioner it is necessary to set back the building or part thereof to the regular line of the street he may, by notice served on the owner in accord- 40

of this section, require the owner to show cause

within such period as may be specified in the notice as to why such building or part thereof which is within the regular line of the street should not be pulled down and the land within the regular line acquired by the Commissioner on behalf of the Corporation.

5 (2) If such owner fails to show cause as required by sub-section (1) the Commissioner may, with the approval of the Standing Committee, require the owner by another notice to be served on him in accordance with the provisions of this Act, to pull down the building or part thereof which is within the regular line of the street within  
10 such period as is specified in the notice.

(3) If within such period the owner of the building fails to pull down the building or part thereof as required by the Commissioner, the Commissioner may pull down the same and all the expenses incurred in so doing shall be paid by the owner and recoverable from  
15 him as an arrear of tax under this Act.

(4) The Commissioner shall at once take possession on behalf of the Corporation of the portion of the land within the regular line of the street occupied by the said building or part thereof and such land shall thereupon be deemed to be a part of the public street and  
20 shall vest in the Corporation.

307. If any land, whether open or enclosed, not vesting in the Corporation and not occupied by any building is within the regular line of a public street or if a platform, verandah, step, compound wall, hedge or fence or some other structure external to a building  
25 abutting on a public street or a portion of such platform, verandah, step, compound wall, hedge, fence or other structure is within the regular line of such street the Commissioner may, after giving to the owner of the land or building not less than seven clear days' notice of his intention so to do, take possession on behalf of the  
30 Corporation of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step, compound wall, hedge, fence or other structure or of any portion thereof which is within the regular line of the public street and, if necessary, clear the same and the land so acquired shall thereupon be deemed to be a part of  
35 the public street and shall vest in the Corporation:

Acquisition of open land and land occupied by platforms, etc., within the regular line of street.

Provided that where the land or building is vested in the Union or a State the Commissioner shall not take possession thereof without the previous sanction of the Central Government.

308. (1) Where a land or building is partly within the regular  
40 line of a public street and the Commissioner is satisfied that the land remaining after the excision of the portion within the said line will not be suitable or fit for any beneficial use, he may, at the request of the owner, acquire such land in addition to the land

Acquisition of the remaining part of a building and land after their portions.

within a regular line of street have been acquired.

within the said line and such surplus land shall be deemed to be a part of the public street and shall vest in the Corporation.

(2) Such surplus land may thereafter be utilised for the purpose of setting forward a building under section 309.

Setting forward of buildings to the regular line of street.

309. The Commissioner may, upon such terms as he thinks fit, 5  
allow any building to be set forward for the purpose of improving the regular line of a public street and may, with the sanction of the Standing Committee, by notice require any building to be so set forward in the case of reconstruction thereof or of a new construction.

*Explanation.*—For the purpose of this section a wall separating 10  
any premises from a public street shall be deemed to be a building; and it shall be deemed a sufficient compliance with permission or requisition to set forward a building to the regular line of a street if a wall of such material and dimensions as are approved by the Commissioner is erected along the said line. 15

Compensation to be paid in certain cases of setting back or setting forward of buildings, etc.

310. (1) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under the provisions of sections 305, 306 and 307 for any loss which such owner may sustain in consequence of his building or land being 20  
so acquired and for any expense incurred by such owner in consequence of any order made by the Commissioner: 20

Provided that—

(a) any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part, likely to accrue from the setting back to the regular line 25  
of the street shall be taken into consideration and allowed for in determining the amount of such compensation;

(b) if any such increase in the value exceeds the amount of loss sustained or expenses incurred by the owner, the Commissioner may recover from him half the amount of such excess 30  
as a betterment charge.

(2) If in consequence of any order to set forward a building made by the Commissioner, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage after taking into account any 35  
increase in value likely to accrue from the setting forward.

(3) If the additional land which will be included in the premises of any person required or permitted under sub-section (2) to set forward a building belongs to the Corporation, the order or permission of the Commissioner to set forward the building shall be a 40  
sufficient conveyance to the said owner of the said land; and the

price to be paid to the Corporation by the owner for such additional land and the other terms and conditions of the conveyance shall be set forth in the order or permission.

(4) If, when the Commissioner requires any building to be set forward, the owner of the building is dissatisfied with the price fixed to be paid to the Corporation or with any of the terms or conditions of conveyance, the Commissioner shall, upon the application of the owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the court of the district judge of Delhi whose decision thereon shall be final.

### *Private streets*

311. If the owner of any land utilises, sells, leases out or otherwise disposes of such land for the construction of buildings thereon, he shall lay down and make a street or streets giving access to the plots into which the land may be divided and connecting with an existing public or private street.

Owner's obligation when dealing with land as building sites.

312. (1) Before utilising, selling or otherwise dealing with any land under section 311, the owner thereof shall send to the Commissioner a written application with a lay-out plan of the land showing the following particulars, namely:—

Lay-out plans.

- (a) the plots into which the land is proposed to be divided for the erection of buildings thereon and the purpose or purposes for which such buildings are to be used;
- (b) the reservation or allotment of any site for any street, open space, park, recreation ground, school, market or any other public purpose;
- (c) the intended level, direction and width of street or streets;
- (d) the regular line of street or streets;
- (e) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, conserving and lighting street or streets.

(2) The provisions of this Act and the bye-laws made thereunder as to width of the public streets and the height of buildings abutting thereon, shall apply in the case of streets referred to in sub-section (1) and all the particulars referred to in that sub-section shall be subject to the sanction of the Standing Committee.

(3) Within sixty days after the receipt of any application under sub-section (1) the Standing Committee shall either accord sanction

to the lay-out plan on such conditions as it may think fit or disallow it or ask for further information with respect to it.

(4) Such sanction shall be refused—

(a) if the particulars shown in the lay-out plan would conflict with any arrangements which have been made or which are in the opinion of the Standing Committee likely to be made for carrying out any general scheme of development of Delhi whether contained in the master plan or a zonal development plan prepared for Delhi or not; or

(b) if the said lay-out plan does not conform to the provisions of this Act and bye-laws made thereunder; or

(c) if any street proposed in the plan is not designed so as to connect at one end with a street which is already open.

(5) No person shall utilise, sell or otherwise deal with any land or lay-out or make any new street without or otherwise than in conformity with the orders of the Standing Committee and if further information is asked for, no step shall be taken to utilise, sell or otherwise deal with the land or to lay-out or make the street until orders have been passed upon receipt of such information:

Provided that the passing of such orders shall not be in any case delayed for more than sixty days after the Standing Committee has received the information which it considers necessary to enable it to deal with the said application.

(6) The lay-out plan referred to earlier in this section shall, if so required by the Standing Committee, be prepared by a licensed town planner.

Alteration or  
demolition  
of street  
made in  
breach of  
section 312.

313. (1) If any person lays-out or makes any street referred to in section 312, without or otherwise than in conformity with the orders of the Standing Committee, the Commissioner may, whether or not the offender be prosecuted under this Act, by notice—

(a) require the offender to show cause by a written statement signed by him and sent to the Commissioner on or before such date as may be specified in the notice, why such street should not be altered to the satisfaction of the Commissioner or if such alteration be impracticable, why such street should not be demolished; or

(b) require the offender to appear before the Commissioner either personally or by a duly authorised agent on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show cause to the satisfaction of the Commissioner why such street should



not be so altered or demolished, the Commissioner may pass an order directing the alteration or demolition of such street.

314. (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Commissioner, he may by notice require the owners of such street or part and the owners of the lands and buildings fronting or abutting on such street or part to carry out any work which in his opinion may be necessary, and within such time as may be specified in such notice.

Power of Commissioner to order work to be carried out or to carry it out himself in default.

(2) If such work is not carried out within the time specified in the notice, the Commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the owners referred to in sub-section (1) in such proportion as may be determined by the Commissioner and shall be recoverable from them as an arrear of tax under this Act.

315. If any street has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved and lighted under the provisions of section 314 the Commissioner may, and on the requisition of a majority of the owners referred to in sub-section (1) of that section shall, declare such a street to be a public street and thereupon the street shall vest in the Corporation.

Right of owners to require streets to be declared public.

#### *Encroachments on streets*

316. (1) Except as provided in section 317, no person shall erect, set up, add to, or place against or in front of any premises any structure or fixture which will—

Prohibition of projections upon streets, etc.

(a) overhang, jut or project into, or in any way encroach upon, and obstruct in any way the safe or convenient passage of the public along, any street, or

(b) jut or project into or encroach upon any drain or open channel in any street so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

(2) The Commissioner may by notice require the owner or occupier of any premises to remove, or to take such other action as he may direct in relation to, any structure or fixture which has been erected, set up, added to, or placed against, or in front of, the said premises in contravention of this section.

(3) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit into account with the owner of the premises for all reasonable expenses incurred by him in complying with the notice.

Projections  
over streets  
may be per-  
mitted in  
certain  
cases.

**317. (1)** The Commissioner may give a written permission, on such terms and on payment of such fee as he in each case thinks fit, to the owner or occupier of the building abutting on any street—

(a) to erect an arcade over such street or any portion thereof; or

(b) to put up a verandah, balcony, arch, connecting passage, sun-shade, weather frame, canopy, awning or other such structure or thing projecting from any storey over or across any street or portion thereof:

Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which construction of an arcade has not been generally sanctioned by the Corporation.

(2) The Commissioner may at any time by notice require the owner or occupier of any building to remove a verandah, balcony, sun-shade, weather frame or the like put up in accordance with the provisions of any law and such owner or occupier shall be bound to take action accordingly but shall be entitled to compensation for the loss caused to him by such removal and the cost incurred thereon.

Ground  
floor doors,  
etc., not to  
open out-  
wards on  
streets.

**318.** The Commissioner may at any time by notice require the owner of any premises on the ground floor of which any door, gate, bar, or window opens outwards upon a street or upon any land required for the improvement of a street in such manner, as in the opinion of the Commissioner, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar or window altered so as not to open outwards.

Prohibition  
of structures  
or fixtures  
which cause  
obstruction  
in streets.

**319. (1)** No person shall, except with the permission of the Commissioner granted in this behalf, erect or set up any wall, fence, rail, post, step, booth or other structure whether fixed or movable or whether of a permanent or temporary nature, or any fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy any portion of such street, channel, drain, well or tank.

(2) Nothing in this section shall apply to any erection or thing to which clause (c) of sub-section (1) of section 324 applies.

Prohibition  
of deposit  
etc., of  
things in  
streets.

**320. (1)** No person shall, except with the permission of the Commissioner and on payment of such fee as he in each case thinks fit, place or deposit upon any street, or upon any open channel, drain or well in any street or upon any public place any stall, chair, bench, box, ladder, bale or other thing whatsoever so as to form an obstruction thereto or encroachment thereon.

(2) Nothing in sub-section (1) applies to building materials.

321. The Commissioner may, without notice, cause to be removed—

(a) any stall, chair, bench, box, ladder, bale or other thing whatsoever, placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of this Act;

(b) any article whatsoever hawked or exposed for sale on any public street or in any other public place in contravention of this Act and any vehicle, package, box or any other thing in or on which such article is placed.

Power to remove anything deposited or exposed for sale in contravention of this Act.

322. (1) No person shall tether any animal or cause or permit the same to be tethered in any public street.

Prohibition of the tethering of animals and milking of cattle.

(2) No person shall milk or cause or permit to be milked any cow or buffalo in any street.

(3) Any animal tethered or any cow or buffalo found being milked as aforesaid in any street may be removed by the Commissioner or any municipal officer or employee and be impounded and dealt with under the provisions of the Cattle-trespass Act, 1871.

1 of 1871.

*Provision concerning execution of works in or near to streets*

323. (1) The Commissioner shall, so far as is practicable during the construction or repair of any public street, or any municipal drain or any premises vested in the Corporation—

Precautions during repair of streets.

(a) cause the same to be fenced and guarded,

(b) take proper precautions against accident by shoring up and protecting the adjoining buildings,

(c) cause such bars, chains or posts to be fixed across or in any street in which any such work of construction or repair is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The Commissioner shall cause such street, drain or premises to be sufficiently lighted or guarded during night while under construction or repair.

(3) The Commissioner shall, with all reasonable speed, cause the said work to be completed, the ground to be filled in, the said street, drain or premises to be repaired and the rubbish occasioned thereby to be removed.

(4) No person shall, without the permission of the Commissioner or other lawful authority, remove any bar, chain, post or shoring, timber, or remove or extinguish any light set up under this section.

Streets not  
to be open-  
ed or broken  
up and  
building  
materials not  
to be de-  
posited  
thereon  
without per-  
mission.

**324. (1)** No person other than the Commissioner or a municipal officer or other municipal employee shall, without the written permission of the Commissioner--

(a) open, break up, displace, take up or make any alteration in, or cause any injury to the soil or pavement or any wall, fence, post, chain or other material or thing forming part of any street; 5  
or

(b) deposit any building materials in any street; or

(c) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of an enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials. 10

(2) Any permission granted under clause (b) or clause (c) of sub-section (1) shall be terminable at the discretion of the Commissioner on his giving not less than twenty-four hours notice of such termination to the person to whom such permission was granted. 15

(3) The Commissioner may, without notice, cause to be removed any of the things referred to in clause (b) or clause (c) of sub-section (1) which has been deposited or set up in any street without the permission specified in that sub-section or which having been deposited or set up with such permission has not been removed within the period specified in the notice issued under sub-section (2): 20

Provided that nothing in this sub-section shall apply to cases under clause (b) or clause (c) of sub-section (1) in which an application for permission has been made with such fee as may be prescribed by the Commissioner in this behalf but no reply has been sent to the applicant within seven days from the date of the application. 25

Disposal of  
things re-  
moved  
under this  
Chapter.

**325. (1)** Any of the things caused to be removed by the Commissioner under this Chapter shall, unless the owner thereof turns up to take back such thing and pays to the Commissioner the charges for the removal and storage of such thing, be disposed of by the Commissioner by public auction or in such other manner and within such time as the Commissioner thinks fit. 30

(2) The charges for removal and storage of the thing sold under sub-section (1) shall be paid out of the proceeds of the sale thereof and the balance, if any, shall be paid to the owner of the thing sold on a claim being made therefor within a period of one year from the date of sale, and if no such claim is made within the said period, shall be credited to the Municipal Fund. 35

*Naming and numbering of streets and numbering of buildings*

326. (1) The Commissioner may—

Naming and  
numbering  
of streets.

5 (a) with the sanction of the Corporation, determine the name or number by which any street or public place vested in the Corporation shall be known;

(b) cause to be put up or painted at a conspicuous part of any building, wall or place, at or near each end, corner or entrance of such street or on some convenient part of such street, the name or number by which it is to be known;

10 (c) cause to be put up or painted on boards of suitable size the name of any public place vested in the Corporation;

(d) determine the number or sub-number by which any premises or part of such premises shall be known and cause such number or sub-number to be fixed to the side or outer door of  
15 such premises or to some place at the entrance of the enclosure thereof.

(2) No person shall destroy, remove, deface or in any way injure or alter any such name or number or sub-number or put up or paint any name or number or sub-number different from that put up or  
20 painted by order of the Commissioner.

*Repair or enclosure of dangerous places*

327. (1) If any place is, in the opinion of the Commissioner, for want of sufficient repair or protection or enclosure, or owing to some work being carried on thereupon, dangerous or causing inconvenience to passengers along a street or to other persons including  
25 the owner or occupier of the said place, who have legal access thereto or to the neighbourhood thereof, the Commissioner may by notice in writing require the owner or occupier of such place to repair, protect or enclose the same or take such other step as shall appear to the Commissioner necessary in order to prevent the  
30 danger or inconvenience arising therefrom.

Commis-  
sioner to  
take steps  
for repairing  
or enclosing  
dangerous  
places.

(2) The Commissioner may before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent the danger or inconvenience  
35 arising therefrom; and any expense incurred by the Commissioner in taking such temporary measures shall be recoverable from the owner or occupier of the place as an arrear of tax under this Act.

*Lighting of streets*

328. The Commissioner shall—

40 (a) take measures for lighting in a suitable manner all such public streets and public places as may be specified by the Standing Committee;

Measures for  
lighting.

(b) procure, erect and maintain such number of lamps, lamp posts and other appurtenances as may be necessary for the said purpose;

(c) cause such lamps to be lighted by means of oil, electricity or such other light as the Standing Committee may determine.

Prohibition  
of removal,  
etc., of  
lamps.

**329.** (1) No person shall, without lawful authority, take away or wilfully or negligently break or throw down or damage—

(a) any lamp or any appurtenance of any lamp or lamp post or lamp iron set up in any public street or any public place; 10

(b) any electric wire for lighting such lamp;

(c) any post, poll, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any electric wire or lamp.

(2) No person shall wilfully or negligently extinguish the light 15 of any lamp set up in any public street or any public place.

(3) If any person wilfully or through negligence or accident breaks, or causes any damage to, any of the things described in subsection (1), he shall in addition to any penalty to which he may be subjected under this Act, pay the expenses of repairing the damage 20 so done by him.

## CHAPTER XVI

### BUILDING REGULATIONS

Definition.

**330.** In this Chapter, unless the context otherwise requires, the expression “to erect a building” means— 25

(a) to erect a new building on any site whether previously built upon or not;

(b) to re-erect—

(i) any building of which more than one-half of the cubical contents above the level of the plinth have been 30 pulled down, burnt or destroyed, or

(ii) any building of which more than one-half of the superficial area of the external walls above the level of the plinth has been pulled down, or

(iii) any frame building of which more than half of the 35 number of the posts or beams in the external walls have been pulled down;

(c) to convert into a dwelling house any building or any part of a building not originally constructed for human habitation or, if originally so constructed, subsequently appropriated 40 for any other purpose;

(d) to convert into more than one dwelling house a building originally constructed as one dwelling house only;

5 (e) to convert into a place of religious worship or into a sacred building any place or building not originally constructed for such purpose;

(f) to roof or cover an open space between walls or buildings to the extent of the structure which is formed by the roofing or covering of such space;

10 (g) to convert two or more tenements in a building into a greater or lesser number;

(h) to convert into a stall, shop, warehouse or godown, stable, factory or garage any building not originally constructed for use as such or which was not so used before the change;

15 (i) to convert a building which when originally constructed was legally exempt from the operations of any building regulations contained in this Act or in any bye-laws made thereunder or in any other law, into a building which had it been originally erected in its converted form, would have been subject to such building regulations;

20 (j) to convert into or use as a dwelling house any building which has been discontinued as or appropriated for any purpose other than, a dwelling house.

25 **331.** No person shall erect or commence to erect any building, or execute any of the works specified in section 333 except with the previous sanction of the Commissioner, nor otherwise than in accordance with the provisions of this Chapter and of the bye-laws made under this Act in relation to the erection of buildings or execution of works.

30 **332. (1)** Every person who intends to erect a building shall apply for sanction by giving notice in writing of his intention to the Commissioner in such form and containing such information as may be prescribed by bye-laws made in this behalf.

(2) Every such notice shall be accompanied by such documents and plans as may be so prescribed.

35 **333. (1)** Every person who intends to execute any of the following works, that is to say,—

(a) to make any addition to a building;

40 (b) to make any alteration or repairs to a building involving the removal or re-erection of any external or party wall thereof or of any wall which supports the roof thereof to an

Prohibition  
of building  
without  
sanction.

Erection of  
building.

Applications  
for additions  
to, or  
repairs of,  
buildings.

extent exceeding one-half of such wall above the plinth level, such half to be measured in superficial feet;

(c) to make any alteration or repairs to a frame building involving the removal or re-erection of more than one-half of the posts in any such wall thereof as aforesaid; or involving the removal or re-erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level, such half to be measured in superficial feet;

(d) to make any alteration in a building involving—

- (i) the sub-division of any room in such building so as to convert the same into two or more separate rooms, or
- (ii) the conversion of any passage or space in such building into a room or rooms;

(e) to repair, remove, construct, reconstruct or make any addition to or structural alteration in any portion of a building abutting on a street which stands within the regular line of such street;

(f) to carry out any repairs to a building involving the construction of a floor of a room (excluding the ground floor);

(g) to close permanently any door or window in an external wall;

(h) to remove or reconstruct the principal staircase or to alter its position;

shall apply for sanction by giving notice in writing of his intention to the Commissioner in such form and containing such information as may be prescribed by bye-laws made in this behalf.

(2) Every such notice shall be accompanied by such documents and plans as may be so prescribed.

Conditions  
of valid  
notice.

**334. (1)** A person giving the notice required by section 332 shall specify the purpose for which it is intended to use the building to which such notice relates; and a person giving the notice required by section 333 shall specify whether the purpose for which the building is being used is proposed or likely to be changed by the execution of the proposed work.

(2) No notice shall be valid until the information required under sub-section (1) and any further information and plans which may be required by bye-laws made in this behalf have been furnished to the satisfaction of the Commissioner along with the notice.

Sanction or  
refusal of  
building or  
work.

**335. (1)** The Commissioner shall sanction the erection of a building or the execution of a work unless such building or work would contravene any of the provisions of sub-section (2) of this section or the provisions of section 339.



(2) The grounds on which the sanction of a building or work may be refused shall be the following, namely:—

5 (a) that the building or work or the use of the site for the building or work or any of the particulars comprised in the site plan, ground plan, elevation, section or specification would contravene the provisions of any bye-law made in this behalf or of any other law or rule, bye-law or order made under such other law;

10 (b) that the notice for sanction does not contain the particulars or is not prepared in the manner required under the bye-laws made in this behalf;

(c) that any information or documents required by the Commissioner under this Act or any bye-laws made thereunder has or have not been duly furnished;

15 (d) that in cases falling under section 311, lay-out plans have not been sanctioned in accordance with section 312;

(e) that the building or work would be an encroachment on Government land or land vested in the Corporation;

20 (f) that the site of the building or work does not abut on a street or projected street and that there is no access to such building or work from any such street by a passage or path-way appertaining to such site.

(3) The Commissioner shall communicate the sanction to the person who has given the notice; and where he refuses sanction on 25 any of the grounds specified in sub-section (2) or under section 333 he shall record a brief statement of his reasons for such refusal and communicate the refusal along with the reasons therefor to the person who has given the notice.

(4) The sanction or refusal as aforesaid shall be communicated 30 in such manner as may be specified in the bye-laws made in this behalf.

336. (1) Where within a period of sixty days after the receipt of any notice under section 332 or section 333 or of the further information, if any, required under section 334, the Commissioner does not refuse to sanction the building or work or upon refusal, does not communicate the refusal to the person who has given the notice, the Commissioner shall be deemed to have accorded sanction to the building or work and the person by whom the notice has been given shall be free to commence and proceed with the building or work in 40 accordance with his intention as expressed in the notice and the documents and plans accompanying the same : When building or work may be proceeded with.

Provided that if it appears to the Commissioner that the site of the proposed building or work is likely to be affected by any scheme of acquisition of land for any public purpose or by any proposed regular line of a public street or extension, improvement, widening or alteration of any street, the Commissioner may withhold sanction 5 of the building or work for such period not exceeding three months as he deems fit and the period of sixty days specified in this sub-section shall be deemed to commence from the date of the expiry of the period for which the sanction has been withheld.

(2) Where a building or work is sanctioned or is deemed to have 10 been sanctioned by the Commissioner under sub-section (1), the person who has given the notice shall be bound to erect the building or execute the work in accordance with such sanction but not so as to contravene any of the provisions of this Act or any other law or of any bye-law made thereunder. 15

(3) If the person or anyone lawfully claiming under him does not commence the erection of the building or the execution of the work within one year of the date on which the building or work is sanctioned or is deemed to have been sanctioned, he shall have to give notice under section 332 or, as the case may be, under section 20 333 for fresh sanction of the building or the work and the provisions of this section shall apply in relation to such notice as they apply in relation to the original notice.

(4) Before commencing the erection of a building or execution of a work within the period specified in sub-section (3), the person 25 concerned shall give notice to the Commissioner of the proposed date of the commencement of the erection of the building or the execution of the work:

Provided that if the commencement does not take place within seven days of the date so notified, the notice shall be deemed not to 30 have been given and a fresh notice shall be necessary in this behalf.

Sanction  
accorded  
under mis-  
representa-  
tion.

337. If at any time after the sanction of any building or work has been accorded, the Commissioner is satisfied that such sanction was accorded in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information 35 furnished under sections 332, 333 and 334, he may by order in writing cancel for reasons to be recorded such sanction and any building or work commenced, erected or done shall be deemed to have been commenced, erected or done without such sanction:

Provided that before making any such order the Commissioner 40 shall give reasonable opportunity to the person affected as to why such order should not be made.

338. The Commissioner may require any building intended to be erected at the corner of two streets to be rounded off or splayed or cut off to such height and to such extent as he may determine, and may acquire such portion of the site at the corner as he may consider necessary for public convenience or amenity.

Buildings at corners of streets.

339. (1) The erection of any building on either side of a new street may be refused by the Commissioner unless and until such new street has been levelled, and wherever in the opinion of the Commissioner practicable, metalled or paved, drained, lighted and laid with a water main to his satisfaction.

Provisions as to buildings and works on either side of new streets.

(2) The erection of any such building or the execution of any such work may be refused by the Commissioner if such building or any portion thereof or such work comes within the regular line of any street, the position and direction of which has been laid down by the Commissioner but which has not been actually constructed or if such building or any portion thereof or such work is in contravention of any building or any other scheme or plan prepared under this Act or any other law for the time being in force.

340. The Commissioner, when sanctioning the erection of a building or execution of a work, shall specify a reasonable period after the commencement of the building or work within which the building or work is to be completed and if the building or work is not completed within the period so specified, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the Commissioner on application made therefor has allowed an extension of that period:

Period for completion of building or work.

Provided that not more than two such extensions shall be allowed by the Commissioner in any case.

341. In such areas as may be specified by bye-laws made in this behalf, no roof, verandah, pandal or wall of a building or no shed or fence shall be constructed or reconstructed of cloth, grass, leaves, mats or other inflammable materials except with the written permission of the Commissioner, nor shall any such roof, verandah, pandal, wall, shed or fence constructed or reconstructed in any year be retained in a subsequent year except with fresh permission obtained in this behalf.

Prohibition against use of inflammable materials for building, etc., without permission.

342. Where the erection of any building or execution of any work has been commenced, or is being carried on, or has been completed without or contrary to the sanction referred to in section 335 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any of the provisions of this Act or bye-laws made thereunder, the Commissioner may, in addition to any other action that may be taken under this Act, make

Order of demolition of buildings and works in certain cases.

an order directing that such erection or work shall be demolished within such period not exceeding thirty days as may be specified in the order, by the person at whose instance the erection or work has been commenced or is being carried on or has been completed, and on the failure of that person to comply with the order, the Commissioner may himself cause the erection or the work to be demolished and the expenses of such demolition shall be recoverable from such person as an arrear of tax under this Act: 5

Provided that no such order shall be made unless the person has been given an opportunity of being heard. 10

Order of  
stoppage of  
buildings or  
works in  
certain  
cases.

**343. (1)** Where the erection of any building or execution of any work has been commenced or is being carried on (but has not been completed) without or contrary to the sanction referred to in section 335 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any provisions of this Act or bye-laws made thereunder, the Commissioner may in addition to any other action that may be taken under this Act, by order require the person at whose instance the building or the work has been commenced or is being carried on, to stop the same forthwith. 15

(2) If such order is not complied with forthwith, the Commissioner may require any police officer to remove such person and all his assistants and workmen from the premises within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly. 20

(3) After the requisition under sub-section (2) has been complied with, the Commissioner may, if he thinks fit, depute by a written order a police officer or a municipal officer or other municipal employee to watch the premises in order to ensure that the erection of the building or the execution of the work is not continued. 25

(4) Where a police officer or a municipal officer or other municipal employee has been deputed under sub-section (3) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such person as an arrear of tax under this Act. 30 35

Power of  
Commissioner to  
require  
alteration of  
work.

**344. (1)** The Commissioner may at any time during the erection of any building or execution of any work or at any time within three months after the completion thereof, by a written notice, specify any matter in respect of which such erection or execution is without or contrary to the sanction referred to in section 335 or is in contravention of any condition of such sanction or any of the provisions of this Act or any bye-law made thereunder and require the person who 40

gave the notice under section 332 or section 333 or the owner of such building or work either—

5 (a) to make such alterations as may be specified in the said notice with the object of bringing the building or work in conformity with the said sanction, condition or provisions, or

(b) to show cause why such alterations should not be made, within a period stated in the notice.

(2) If the person or the owner does not show cause as aforesaid, he shall be bound to make the alterations specified in the notice.

10 (3) If the person or the owner shows cause as aforesaid, the Commissioner shall by an order either cancel the notice issued under sub-section (1) or confirm the same subject to such modifications as he thinks fit.

345. (1) Every person who employs a licensed architect or engineer 15 or a person approved by the Commissioner to design or erect a building or execute any work shall, within one month after the completion of the erection of the building or execution of the work, deliver or send or cause to be delivered or sent to the Commissioner a notice in writing of such completion accompanied by a certificate in the form 20 prescribed by bye-laws made in this behalf and shall give to the Commissioner all necessary facilities for the inspection of such building or work.

Completion certificates.

(2) No person shall occupy or permit to be occupied any such building or use or permit to be used any building or a part thereof 25 effected by any such work until permission has been granted by the Commissioner in this behalf in accordance with bye-laws made under this Act:

Provided that if the Commissioner fails within a period of thirty days after the receipt of the notice of completion to communicate his 30 refusal to grant such permission, such permission shall be deemed to have been granted.

346. No person shall, without the written permission of the Commissioner, or otherwise than in conformity with the conditions, if any, 35 of such permission—

Restrictions on user of buildings.

35 (a) use or permit to be used for human habitation any part of a building not originally erected or authorised to be used for that purpose or not used for that purpose before any alteration has been made therein by any work executed in accordance with the provisions of this Act and of the bye-laws made thereunder;

40 (b) change or allow the change of the use of any land or building;

(c) convert or allow the conversion of one kind of tenement into another kind.

**Removal of dangerous buildings.**

**347.** (1) If it appears to the Commissioner at any time that any building is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood of such building, the Commissioner may, by order in writing, require the owner or occupier of such building to demolish, secure or repair such building or do one or more of such things within such period as may be specified in the order, so as to prevent all cause of danger therefrom. 5 10

(2) The Commissioner may also, if he thinks fit, require such owner or occupier by the said order either forthwith or before proceeding to demolish, secure or repair the building, to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, with a convenient platform and hand-rail wherever practicable to serve as a foot-way for passengers outside of such hoard or fence. 15

(3) If it appears to the Commissioner that danger from a building which is in a ruinous condition or likely to fall is imminent, he may, before making the order aforesaid, fence off, demolish, secure or repair the said building or take such steps as may be necessary to prevent the danger. 20

(4) If the owner or occupier of the building does not comply with the order within the period specified therein, the Commissioner shall take such steps in relation to the building as to prevent all cause of danger therefrom. 25

(5) All expenses incurred by the Commissioner in relation to any building under this section shall be recoverable from the owner or occupier thereof as an arrear of tax under this Act. 30

**Power to order building to be vacated in certain circumstances.**

**348.** (1) The Commissioner may by order in writing direct that any building which in his opinion is in a dangerous condition or is not provided with sufficient means of egress in case of fire or is occupied in contravention of section 345, be vacated forthwith or within such period as may be specified in the order: 35

Provided that at the time of making such order the Commissioner shall record a brief statement of the reasons therefor.

(2) If any person fails to vacate the building in pursuance of such order the Commissioner may direct any police officer to remove such person from the building and the police officer shall comply with such direction accordingly. 40

(3) The Commissioner shall, on the application of any person who has vacated, or been removed from any building in pursuance of an order made by him, re-instate such person in the building on the expiry of the period for which the order has been in force according to the circumstances prevailing at that time permit.

## CHAPTER XVII

### SANITATION AND PUBLIC HEALTH

#### *Conservancy and sanitation*

**349.** (1) For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall provide—

*Provision for daily cleansing of streets and removal of rubbish and filth.*

(a) for the daily surface-cleansing of all streets and the removal of the sweepings therefrom, and

(b) for the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by him under the provisions of this Act for the temporary deposit of rubbish, filth and other polluted and obnoxious matter.

(2) The Commissioner may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject to which, any matter referred to in sub-section (1) may be removed along a street or may be deposited or otherwise disposed of.

**350.** All matters deposited in public receptacles, depots and places provided or appointed under section 351 and all matters collected by municipal employees or contractors in pursuance of section 349 and section 354 shall be the property of the Corporation.

*Rubbish, etc., to be the property of the Corporation.*

**351.** (1) The Commissioner shall—

*Provision for appointment of receptacles, depots, and places for rubbish, etc.*

(a) provide or appoint in proper and convenient situations public receptacles, depots or places for the temporary deposit of rubbish, filth and other polluted and obnoxious matter and for the final disposal of rubbish, filth and other polluted and obnoxious matter;

(b) provide dustbins for the temporary deposit of rubbish;

(c) provide vehicles or other suitable means for the removal of rubbish and offensive matter; and

(d) provide covered vehicles or vessels for the removal of filth and other polluted and obnoxious matter.

(2) Different receptacles, depots or places may be provided or appointed for the temporary deposit or final disposal of any of the matters specified in sub-section (1).

(3) The Commissioner shall make adequate provision for preventing receptacles, depots, places, dustbins, vehicles and vessels referred to in sub-section (1) from becoming sources of nuisance.

Duty of owners and occupiers to collect and deposit rubbish, etc.

**352.** It shall be the duty of the owners and occupiers of all premises—

(a) to have the premises swept and cleaned;

(b) to cause all filth, rubbish and other polluted and obnoxious matter to be collected from their respective premises 5 and to be deposited at such times as the Commissioner, by public notice prescribes, in public receptacles, depots or places provided or appointed under section 351 for the temporary deposit or final disposal thereof;

(c) to provide receptacles of the type and in the manner 10 prescribed by the Commissioner for the collection therein of all filth, rubbish and other polluted and obnoxious matter from such premises and to keep such receptacles in good condition and repair.

Collection and removal of filth and polluted matter.

**353.** It shall be the duty of the owner and occupier of every pre- 15 mises situate in any portion of Delhi in respect of which the Commissioner has not given public notice under clause (b) of sub-section (2) of section 114 or in which there is not a latrine, or urinal connected by a drain with a municipal drain, to cause all filth and polluted and obnoxious matter accumulating upon such premises to be col- 20 lected and removed to the nearest receptacle or depot provided for this purpose under section 351 at such times, in such vehicle or vessel, by such route and with such precautions as the Commissioner may by public notice prescribe.

Collection and removal of filth and polluted matter through municipal agency.

**354.** (1) Where the Commissioner has given public notice in res- 25 pect of any portion of Delhi under clause (b) of sub-section (2) of section 114 that the collection, removal and disposal of all filth and polluted and obnoxious matter from latrines, urinals and cesspools will be undertaken by municipal agency, it shall be lawful for the Commissioner to take measures for the daily collection, removal 30 and disposal of such filth and polluted and obnoxious matter from all premises situated in that portion of Delhi.

(2) In such portion of Delhi and in any premises wherever situate in which there is a latrine, or urinal connected with a municipal drain, it shall not be lawful, except with the written permission of 35 the Commissioner, for any person who is not employed by or on behalf of the Commissioner, to discharge any of the duties of scavengers.

Removal of rubbish, etc. accumulated on premises used as factories, workshops, etc.

**355.** The Commissioner may, if he thinks fit,—

(a) by written notice require the owner or occupier of any 40 premises used for carrying on any manufacture, trade or business or used as a factory, workshop, trade premises or market or in any way so that rubbish, filth and other polluted and obnoxious matter are accumulated in large quantities, to collect all such



5 rubbish, filth and other polluted and obnoxious matter accumulating thereon and to remove the same at such times and in such carts or receptacles and by such routes as may be specified in the notice to a depot or place provided or appointed under section 351; or

10 (b) after giving such owner or occupier notice of his intention, cause all rubbish, filth and other polluted and obnoxious matter accumulated in such premises to be removed, and charge the said owner or occupier for such removal such fee as may, with the sanction of the Standing Committee, be specified in the notice issued under clause (a).

356. (1) No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours or otherwise than in a receptacle approved by the Commissioner, any rubbish, filth and other polluted and obnoxious matter on such premises or any place belonging thereto or neglect to employ proper means to remove such rubbish, filth and other polluted and obnoxious matter from, or to cleanse, such receptacle and to dispose of such rubbish, filth and other polluted and obnoxious matter in the manner directed by the Commissioner, or fail to comply with any requisition of the Commissioner as to the construction, repair, pavement or cleansing of any latrine, or urinal on or belonging to the premises.

Prohibition against accumulation of rubbish, etc.

25 (2) No owner or occupier shall allow the water of any sink, drain, latrine or urinal or any rubbish, filth and other polluted and obnoxious matter to run down on or to, or be thrown or put upon, any street or into any drain in or along the side of any street except in such manner as shall prevent any avoidable nuisance from any such water, rubbish, filth or other polluted and obnoxious matter.

30 (3) No person shall, after due provision has been made in this respect under the foregoing provisions of this Chapter for the deposit and removal of the same—

35 (a) deposit any rubbish, filth and other polluted and obnoxious matter in any street or on the verandah of any building or on any unoccupied ground alongside any street or on the bank of a water course; or

(b) deposit any filth or other polluted and obnoxious matter in any dustbin or in any vehicle not intended for the removal of the same; or

40 (c) deposit rubbish in any vehicle or vessel intended for the removal of filth and other polluted and obnoxious matter.

357. If any premises are not properly and regularly scavenged or cleansed or are in a filthy and unwholesome condition for any reason whatsoever, the Commissioner may cause them to be scavenged and cleansed and recover the expenses from the owner or, as the case may be, occupier as an arrear of tax under this Act.

Commissioner's Power to get premises scavenged and cleansed.

Public latrines, urinals, etc.

**358.** (1) The Commissioner shall provide and maintain in proper and convenient places a sufficient number of public latrines and urinals.

(2) Such public latrines and urinals shall be so constructed as to provide separate compartments for each sex and not to be a nuisance, and shall be provided with all necessary conservancy establishments, and shall regularly be cleansed and kept in proper order.

*Latrines and urinals*

Construction of latrines and urinals.

**359.** (1) It shall not be lawful to construct any latrine or urinal for any premises except with the written permission of the Commissioner and in accordance with such terms not inconsistent with the provisions of this Act or any bye-laws made thereunder as he may prescribe.

(2) In prescribing any such terms the Commissioner may determine in each case—

(a) whether the premises shall be served by the service system or by the flush system or partly by the one and partly by the other; and

(b) what shall be the site or position of each latrine or urinal.

(3) If any latrine or urinal is constructed on any premises in contravention of the foregoing provisions, the Commissioner may, after giving not less than ten days' notice to the owner or occupier of such premises, alter, reconstruct, close or demolish such latrine or urinal and the expenditure incurred by the Commissioner in doing shall be recoverable from the owner or occupier as an arrear of tax under this Act.

Latrines and urinals, etc., in new buildings.

**360.** (1) It shall not be lawful to erect any building or execute any work on or in relation to such building without providing such latrine accommodation and urinal accommodation and accommodation for bathing or for washing clothes and utensils on each floor of such building as the Commissioner may prescribe.

(2) In prescribing any such accommodation the Commissioner may determine in each case—

(a) whether such building shall be served by the service system or by the flush system or partly by the one and partly by the other;

(b) what shall be the site or position of each latrine, urinal, bathing or washing place or site and their number on each floor and their clear internal dimensions.

(3) It shall not be lawful to erect a residential building composed of separate tenements on the flat system without providing at least one latrine and one bathing or washing place for servants on the ground floor of such building or at any other suitable place in the same premises.

(4) In this section the expression "to erect a building" has the same meaning as in section 330.

361. Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed, latrines and urinals of such description and number as the Commissioner may by notice require and within such time as may be fixed in the notice and shall keep the same in clean and proper order.

Latrines and urinals for labourers, etc.

362. The Commissioner may by notice require any owner or manager of a market, cart stand, cattle shed, theatre, railway station and other place of public resort within such time as may be specified in such notice to provide and maintain for the separate use of persons of each sex, latrines of such description and number and in such position as may be specified and to keep the same in clean and proper order.

Provision of latrines and urinals for markets, etc.

363. The Commissioner may, by written notice—

(a) require the owner or other person having the control of any private latrine or urinal not to put the same to public use; or

Other provisions as to private latrines.

(b) require the owner or other person having the control of such private latrine or urinal which in the opinion of the Commissioner constitutes a nuisance, to remove the latrine or the urinal; or

(c) require any person having the control whether as owner, lessee or occupier of any land or building—

(i) to have any latrines provided for the same shut out by a sufficient roof, wall or fence from the view of persons passing by or dwelling in the neighbourhood; or

(ii) to cleanse in such manner as the Commissioner may prescribe in the notice any latrine or urinal belonging to the land or building; or

(d) where any premises intended or used for human habitation are without any latrine or urinal accommodation or are provided with insufficient latrine or urinal accommodation, require the owner, lessee or occupier of such premises to provide such or such additional latrine or urinal accommodation as he may prescribe, if necessary by causing any part of such premises to

be vacated and demolished in accordance with bye-laws made in this behalf.

*Removal of congested buildings and buildings unfit for human habitation*

Removal of  
congested  
buildings.

364. (1) Where it appears to the Commissioner that any block of 5 buildings is in an unhealthy condition by reason of the manner in which the buildings are crowded together, or of the narrowness, closeness, or faulty arrangement of streets, or of the want of proper drainage and ventilation, or of the impracticability of cleansing the buildings or other similar cause, he shall cause the block to be ins- 10 pected by the Municipal Health Officer and the Municipal Engineer who shall make a report in writing to him regarding the sanitary condition of the block.

(2) If upon receipt of such report the Commissioner considers that the sanitary condition of the block is likely to cause risk of 15 disease to the inhabitants of the buildings or of the neighbourhood or otherwise to endanger the public health, he shall with the approval of the Standing Committee select the buildings which in his opinion should wholly or in part be removed in order to abate the unhealthy condition of the block and may thereupon by notice 20 in writing require the owners of such buildings to remove them within such period as may be specified in the notice:

Provided that before issuing the notice reasonable opportunity should be afforded to the owners to show cause why the buildings should not be removed:

25

Provided further that the Commissioner shall make compensation to the owners for any buildings so removed which may have been erected under proper authority.

(3) If a notice under sub-section (2) requiring any owner of a building to remove it is not complied with, then, after the expira- 30 tion of the time specified in the notice the Commissioner may himself remove the building required to be removed by the notice and recover from the owner of the building the expenses of such removal as an arrear of tax under this Act.

Power of  
Commis-  
sioner to  
require im-  
provement  
of buildings  
unfit for  
human ha-  
bitation.

365. (1) Where the Commissioner upon information in his posses- 35 sion is satisfied that any building is in any respect unfit for human habitation, he may, unless in his opinion the building is not capable at a reasonable expense of being rendered fit, serve upon the owner of the building a notice requiring him within such time not being less than thirty days as may be specified in the notice to execute 40 the works of improvement specified therein and stating that in his

opinion those works will render the building fit for human habitation.

(2) In addition to serving a notice under this section on the owner the Commissioner may serve a copy of the notice on any other person having an interest in the building whether as a lessee, mortgagee or otherwise.

(3) In determining whether a building can be rendered fit for human habitation at a reasonable expense regard shall be had to the estimated cost of the work necessary to render it so fit and the value which it is estimated that the building will have when the works are completed.

366. If a notice under section 365 requiring the owner of the building to execute works of improvement is not complied with, then, after the expiration of the time specified in the notice the Commissioner may himself do the works required to be done by the notice and recover the expenses incurred in connection therewith as an arrear of tax under this Act.

Enforcement of notice requiring execution of works of improvement.

367. (1) Where the Commissioner upon any information in his possession is satisfied that any building is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit he shall serve upon the owner of the building and upon any other person having an interest in the building, whether as a lessee, mortgagee or otherwise a notice to show cause within such time as may be specified in the notice as to why an order of demolition of the building should not be made.

Power of Commissioner to order demolition of buildings unfit for human habitation.

(2) If any of the persons upon whom a notice has been served under sub-section (1), appears in pursuance thereof before the Commissioner and gives an undertaking to him that such person shall, within a period specified by the Commissioner, execute such works of improvement in relation to the building as will, in the opinion of the Commissioner render the building fit for human habitation or an undertaking that the building shall not be used for human habitation until the Commissioner on being satisfied that it has been rendered fit for that purpose, cancels the undertaking, the Commissioner shall not make an order of demolition of the building.

(3) If no such undertaking as is mentioned in sub-section (2) is given, or if in a case where any such undertaking has been given, any work of improvement to which the undertaking relates is not carried out within the specified period, or the building is at any time used in contravention of the terms of the undertaking, the Commissioner shall forthwith make an order of demolition of the building requiring that the building shall be vacated within a period

to be specified in the order not being less than thirty days from the date of the order, and that it shall be demolished within six weeks after the expiration of that period.

(4) Where an order of demolition of a building under this section has been made, the owner of the building or any other person 5 having an interest therein, shall demolish that building within the time specified in that behalf by the order, and if the building is not demolished within that time, the Commissioner shall demolish the building and sell the materials thereof.

(5) Any expenses incurred by the Commissioner under sub- 10 section (4) if not satisfied out of the proceeds of the sale of materials of the building shall be recovered from the owner of the building or any other person having an interest therein as an arrear of tax under this Act.

(6) In determining for the purposes of section 365 and this sec- 15 tion whether a building is unfit for human habitation, regard shall be had to its condition in respect of the following matters, that is to say,—

- (a) repair;
- (b) stability;
- (c) freedom from damp; 20
- (d) natural light and air;
- (e) water supply;
- (f) drainage and sanitary conveniences;
- (g) facilities for storage, preparation and cooking of food 25

and for the disposal of rubbish, filth and other polluted matter; and the building shall be deemed to be unfit as aforesaid if and only if it is so far defective in one or more of the said matters that it is not reasonably suitable for occupation in that condition.

(7) For the purposes of section 365, section 366 and this section, 30 “work of improvement” in relation to a building includes any one or more of the following works, namely:—

- (a) necessary repairs;
- (b) structural alterations;
- (c) provision of light points and water taps;
- (d) construction of drains, open or covered; 35
- (e) provision of latrines and urinals;
- (f) provision of additional or improved fixtures and fittings;
- (g) opening up or paving of courtyard;
- (h) removal of rubbish, filth and other polluted and 40 obnoxious matter;

(i) any other work including the demolition of any building or any part thereof which, in the opinion of the Commissioner, is necessary for executing any of the works specified above.

(8) The provisions of section 364, section 365, section 366 and this 45 section shall not apply in relation to any building in any area which has been declared to be a slum area under the Slum Areas (Improvement and Clearance) Act, 1956.

*Regulation of washing by washermen*

368. (1) The Commissioner may by public notice prohibit the washing of clothes by washermen in the exercise of their callings except at such places as he may appoint for the purpose.

Prohibition  
against  
washing by  
washermen.

- 5 (2) When any such prohibition has been made, no person who is by calling a washerman shall in contravention of such prohibition wash clothes except for himself or for personal and family service or for hire on or within the premises of the hirer, at any place other than a place appointed under sub-section (1).

*Prevention of dangerous diseases*

10

369. Any person being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon, any person whom he knows or has reason to believe to be suffering from a dangerous disease, or being the owner, lessee, or occupier of any building in which he knows that any such person is so suffering shall forthwith give information respecting the existence of such disease to the Municipal Health Officer.

Obligation  
to give in-  
formation of  
dangerous  
disease.

370. (1) When any person suffering from any dangerous disease is found to be—

- 20 (a) without proper lodging or accommodation, or  
(b) living in a room or house which he neither owns or pays rent for nor occupies as the guest or relative of any person who owns, or pays rent for it, or  
(c) living in a sarai, hotel, boarding house or other public  
25 hostel, or  
(d) lodged in premises occupied by members of two or more families,

Removal to  
hospital of  
patients  
suffering  
from dan-  
gerous di-  
sease.

- the Commissioner or any person authorised by him in this behalf, may on the advice of any medical officer of the rank not inferior to  
30 that of an assistant surgeon remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment and may do anything necessary for such removal.

- (2) The Corporation shall if required by the Central Government erect an infectious diseases hospital of such type and dimension as  
35 that Government may direct.

371. Where the Commissioner is of opinion that the cleansing and disinfection of any building or part of a building or of any articles in such building or part which are likely to retain infection, or the renewal of flooring of any building or part of such building,  
40 would tend to prevent or check the spread of any dangerous disease,

Disinfection  
of buildings  
and articles.

he may, by notice in writing, require the owner or occupier to cleanse and disinfect the said building, part or articles, as the case may be, or to renew the said flooring within such time as may be specified in the notice:

Provided that where in the opinion of the Commissioner the owner or occupier is from poverty or any other cause unable effectually to carry out any such requisition, the Commissioner may at the expense of the Municipal Fund cleanse and disinfect the building, part or articles, or, as the case may be, renew the flooring.

**Destruction  
of infec-  
tious huts  
or sheds.**

372. (1) Where the destruction of any hut or shed is in the opinion of the Commissioner necessary to prevent the spread of any dangerous disease, the Commissioner may by notice in writing require the owner to destroy the hut or shed and the materials thereof within such time as may be specified in the notice.

(2) Where the Commissioner is satisfied that the destruction of any hut or shed is immediately necessary for the purpose of preventing the spread of any dangerous disease, he may order the owner or occupier of the hut or shed to destroy the same forthwith or may himself cause it to be destroyed after giving not less than six hours' notice to the owner or occupier.

(3) Compensation may be paid by the Commissioner, in any case which he thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed, but, except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

**Means of  
disinfection.**

373. (1) The Commissioner shall—

(a) provide proper places with necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding and other articles which have been exposed to infection;

(b) cause conveyances, clothing and other articles brought for disinfection to be disinfected either free of charge or on payment of such charges as he may fix.

(2) The Commissioner may notify places at which articles of clothing, bedding and conveyances or other articles which have been exposed to infection shall be washed and if he does so, no person shall wash any such thing at any place not so notified without having previously disinfected such thing.

(3) The Commissioner may direct the destruction of any clothing, bedding or other article likely to retain infection and may give such compensation as he thinks fit for any article so destroyed.



**374. (1)** In the event of Delhi or any part thereof being visited or threatened by an outbreak of any dangerous disease among the inhabitants thereof or of any epidemic disease among any animals therein, the Commissioner, if he thinks that the other provisions of this Act and the provisions of any other law for the time being in force are insufficient for the purpose, may, with the previous sanction of the Corporation,—

Special measures in case of outbreak of dangerous or epidemic diseases.

(a) take such special measures, and

(b) by public notice, give such directions to be observed by the public or by any class or section of the public, as he thinks necessary to prevent the outbreak or spread of the disease:

Provided that where in the opinion of the Commissioner immediate measures are necessary, he may take action without such sanction as aforesaid and if he does so, shall forthwith report such action to the Corporation.

(2) No person shall commit a breach of any direction given under sub-section (1) and if he does so he shall be deemed to have committed an offence under section 188 of the Indian Penal Code.

45 of 1860.

**375. (1)** Where it is certified to the Commissioner by the Municipal Health Officer that it is desirable, with a view to prevent the spread of any dangerous disease, that the Municipal Health Officer should be furnished with the list of the customers of any washerman, the Commissioner may, by notice in writing, require the washerman within a time to be specified in the notice to furnish the Municipal Health Officer with a full and complete list of the names and addresses of all owners of clothes and other articles which the washerman washes or has washed during the six weeks immediately preceding the date of the notice.

Powers in relation to washermen.

(2) Where, after inspection, the Municipal Health Officer is of opinion that any dangerous disease is caused or is likely to arise from the washing of clothes or other articles in any place or from any process employed by the washerman, he shall report the matter to the Commissioner.

(3) Upon receipt of a report submitted by the Municipal Health Officer under sub-section (2) the Commissioner may, by notice in writing, prohibit the washerman from washing clothes or other articles in any such place or by any such process as aforesaid until the notice has been withdrawn or unless he uses such place in such manner or washes by such process as the Commissioner may direct in the notice.

Examination  
of washed  
clothes.

**376.** The Municipal Health Officer may take possession of any clothes or other articles which are or have recently been in the possession of any washerman on whom a notice has been served under section 375 and may subject the same or cause the same to be subjected to such chemical or other process as he may think necessary; and the Commissioner shall pay from the Municipal Fund all the cost of the process and shall also pay to the owner of the clothes or other articles such sum as compensation for any loss occasioned by such process as may appear to him to be reasonable.

Infected  
clothes not  
to be sent  
to washer-  
man or to  
laundry.

**377. (1)** A person shall not send or take to any washerman or to any laundry or place set apart for the exercise by washermen of their calling, for the purpose of being washed or to any place for the purpose of being cleansed, any cloth or other article which he knows to have been exposed to infection from a dangerous disease unless that cloth or article has been disinfected by or to the satisfaction of the Municipal Health Officer.

(2) The occupier of any building in which a person is suffering from a dangerous disease shall, if required by the Municipal Health Officer, furnish to him the address of any washerman to whom or any laundry or other place to which clothes and other articles from the building have been, or will be, sent during the continuance of the disease, for the purpose of being washed or cleaned.

Contamina-  
tion and  
disinfection  
of public  
conveyance.

**378. (1)** Whoever—

(a) uses a public conveyance while suffering from a dangerous disease, or

(b) uses a public conveyance for the carriage of a person who is suffering from any disease, or

(c) uses a public conveyance for the carriage of the corpse of a person who has died from any such disease,

shall be bound to take proper precautions against the communication of the disease to other persons using or who may thereafter use the conveyance and to notify such use to the owner, driver or person incharge of the conveyance, and further report without delay to the Commissioner the number of the conveyance and the name of the person so notified.

(2) Where any person suffering from, or the corpse of any person who has died from, a dangerous disease has been carried in a public conveyance which ordinarily plies in Delhi or any part thereof, the driver thereof shall forthwith report the fact to the Commissioner who shall forthwith cause the conveyance to be disinfected if that has not already been done.

(3) No such conveyance shall be again brought into use until the Municipal Health Officer has granted a certificate stating that it can be used without causing risk of infection.

(4) Whoever fails to make to the Commissioner any report which he is required to make under this section shall be guilty of an offence.

379. Notwithstanding anything contained in any law for the time being in force, no owner, driver or person in charge of a public conveyance shall be bound to convey or to allow to be conveyed in such conveyance in or in the vicinity of Delhi any person suffering from a dangerous disease or the corpse of any person who has died from such disease unless and until such person pays or tenders a sum sufficient to cover any loss and expense which would ordinarily be incurred in disinfecting the conveyance.

Driver of conveyance not bound to carry persons suffering from dangerous disease.

380. (1) Where any building or part of a building is intended to be let in which any person has, within six weeks immediately preceding, been suffering from a dangerous disease, the person letting the building or part shall, before doing so, disinfect the same in such manner as the Commissioner may by general or special notice direct together with all articles therein liable to retain infection.

Disinfection of buildings before letting the same.

(2) For the purposes of this section, the keeper of a hostel, lodging house or *sarai* shall be deemed to let to any person who is admitted as a guest therein that part of the building in which such person is permitted to reside.

381. No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he knows or has reason to believe has been exposed to contamination by any dangerous disease and is likely to be used in or taken into Delhi or any part thereof.

Disposal of infected articles without disinfection.

382. No person while suffering from, or in circumstances in which he is likely to spread, any dangerous disease, shall—

Prohibition of making or selling of food, etc., or washing of clothes by infected persons.

(a) make, carry or offer for sale or take any part in the business of making, carrying or offering for sale, any article of food or drink or any medicine or drug for human consumption, or any article of clothing or bedding for personal use or wear, or

(b) take any part in the business of the washing or carrying of clothes.

383. When Delhi or any part thereof is visited or threatened by an outbreak of any dangerous disease the Commissioner may, by public notice, restrict in such manner or prohibit for such period as may be specified in the notice, the sale or preparation of any article

Power to restrict or prohibit sale of food or drink.

of food or drink for human consumption specified in the notice or the sale of any flesh of any description of animal so specified.

Control over  
wells and  
tanks, etc.

384. (1) If the Commissioner is of opinion that the water in any well, tank or other place is likely, if used for drinking, to engender, or cause the spread of, any disease, he may— 5

(a) by public notice, prohibit the removal or use of such water for drinking; or

(b) by notice in writing require the owner or person having control of such well, tank or place to take such steps as may be directed by the notice to prevent the public from 10 having access to or using such water; or

(c) take such other steps as he may consider expedient to prevent the outbreak or spread of any such disease.

(2) In the event of Delhi or any part thereof being visited or threatened by an outbreak of a dangerous disease the Municipal 15 Health Officer or any person authorised by him in this behalf may, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purposes of drinking and may further take such steps as he may think fit to ensure the purity of the water or to prevent the use of 20 the same for drinking purposes.

Duty of  
persons  
suffering  
from dan-  
gerous  
disease.

385. No person shall,—

(a) knowing that he is suffering from a dangerous disease, expose other persons to the risk of infection by his presence or conduct in any public street or public place; 25

(b) having the care of a person whom he knows to be suffering from a dangerous disease, cause or permit that person to expose other persons to the risk of infection by his presence or conduct in any such street or place as aforesaid;

(c) place or cause to be placed in a dustbin or other recep- 30 tacle for the deposit of rubbish, any matter which he knows to have been exposed to infection from a dangerous disease and which has not been disinfected properly;

(d) throw or cause to be thrown into any latrine or urinal any matter which he knows to have been exposed to infection 35 from a dangerous disease and which has not been disinfected properly.

Disposal of  
infectious  
corpses  
where any  
person has  
died from  
any dan-  
gerous  
disease.

386. Where any person has died from any dangerous disease the Commissioner may, by notice in writing—

(a) require any person having charge of the corpse to 40 convey the same to a mortuary thereafter to be disposed of in accordance with law, or

(b) prohibit the removal of corpses from the place where death occurred except for the purpose of being burnt, buried or for being conveyed to a mortuary.

*Special conditions regarding essential services*

5 387. (1) No person being a sweeper employed by the Corporation shall, in the absence of any contract authorising him so to do and without reasonable cause, resign his employment or absent himself from his duty without having given one month's notice to the Commissioner or shall neglect or without reasonable cause refuse  
10 to perform his duties.

Conditions of service of sweepers and certain other class of persons employed in municipal service.

(2) The Corporation may by resolution direct that on or from such date as may be specified in the resolution, the provisions of this section shall apply in the case of any specified class of persons employed by the Corporation whose functions are intimately concerned with public health or safety.

388. No sweeper, being employed for doing house scavenging of any building shall discontinue to do such house scavenging without reasonable cause or without having given fourteen days' notice to his employer.

Conditions of service of sweepers employed for doing house scavenging.

20

*Burning and burial grounds*

389. The Commissioner may, by notice in writing, require the owner or person in charge of any burning or burial ground to supply such information as may be specified in the notice concerning the condition, management, or position of such ground.

Power to call for information regarding burning and burial grounds.

25 390. (1) No place which has not been used as a burning or burial ground before the commencement of this Act shall be so used without the permission in writing of the Commissioner.

Permission for use of new burning or burial ground.

(2) Such permission may be granted subject to any conditions which the Commissioner may think fit to impose for the purpose of preventing any annoyance to, or danger to the health of, any persons residing in the neighbourhood.

391. (1) Where the Commissioner, after making or causing to be made local enquiry is of opinion that any burning or burial ground has become offensive to, or dangerous to the health of, persons residing in the neighbourhood, he may, with the previous sanction of the Standing Committee, by notice in writing, require the owner or person in charge of such ground to close the same from such date as may be specified in the notice.

Power to require closing of burning and burial grounds.

(2) No corpses shall be burnt or buried at the burning or burial ground in respect of which a notice has been issued under this section.

Removal of  
corpses.

**392.** The Commissioner may by public notice prescribe routes by which alone corpses may be removed to burning or burial ground.

*Disposal of dead animals*

Disposal  
of dead  
animals.

**393.** (1) Whenever any animal in charge of any person dies, the person in charge thereof shall within twenty-four hours either— 5

(a) convey the carcass to a place provided or appointed under section 351 for the final disposal of the carcasses of dead animals, or

(b) give notice of the death to the Commissioner whereupon he shall cause the carcass to be disposed of. 10

(2) In respect of the disposal of the carcass of a dead animal under clause (b) of sub-section (1) the Commissioner may charge such fee as he may by public notice prescribe.

CHAPTER XVIII

VITAL STATISTICS

15

Appointment  
of Chief  
Registrar  
and regis-  
trars.

**394.** (1) The Municipal Health Officer shall be the Chief Registrar of births and deaths for Delhi and shall keep in such form as may be prescribed by bye-laws a register of all births and deaths occurring in Delhi.

(2) The Commissioner shall for the purposes of this Chapter 20 appoint such number of persons to be registrars of births and deaths as he deems necessary and define the respective areas which shall be under the charge of such registrars.

Duties of  
Registrar.

**395.** The registrar shall keep himself informed of every birth or death occurring within the area under his charge and shall ascertain 25 and register as soon as conveniently may be after the event, and without fee or reward such particulars in respect of every birth or death as may be prescribed by bye-laws made in this behalf.

Information  
of births  
and deaths.

**396.** (1) It shall be the duty of the father or mother of every child born in Delhi and in default of the father or mother, of any 30 relation of the child living in the same premises, and in default of such relation, of the person having charge of the child, to give to the best of his knowledge and belief to the registrar of the area concerned within eight days after such birth, information containing such particulars as may be prescribed by bye-laws made in this 35 behalf.

(2) It shall be the duty of the nearest relation present at the time of the death or in attendance during the last illness of any person dying in Delhi and in default of such relation, of any person 40 present or in attendance at the time of the death, and of the occupier

of the premises in which to his knowledge the death took place and in default of the person hereinbefore mentioned, of each inmate of such premises and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give to the best  
5 of his knowledge and belief to the registrar of the area within which the death took place information containing such particulars as may be prescribed by bye-laws made in this behalf.

(3) If a birth or death occurs in the hospital, none of the persons mentioned in sub-section (1) or, as the case may be, in sub-section  
10 (2) shall be bound to give information required by that sub-section, but it shall be the duty of the medical officer in charge of the hospital within twenty-four hours after the birth or death, to send to the Municipal Health Officer a notice containing such particulars as may be prescribed by bye-laws made in this behalf.

15

## CHAPTER XIX

## PUBLIC SAFETY AND SUPERSESSION OF NUISANCES

*Nuisances*

**397. (1)** No person shall—

Prohibition  
of nuisances.

(a) in any public street or public place—

20

(i) ease himself; or

(ii) loiter, or beg importunately, for alms; or

(iii) expose or exhibit, with the object of exciting charity, any deformity or disease or any offensive sore or wound; or

25

(iv) carry meat exposed to public view; or

(v) picket animals, or collect carts; or

(vi) being engaged in the removal of rubbish, filth or other polluted and obnoxious matter wilfully or negligently permit any portion thereof to spill or fall, or neglect to sweep away or otherwise effectually to remove any portion  
30 thereof which may spill or fall in such street or place; or

(vii) without proper authority affix upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document; or

35

(viii) without proper authority deface or write upon or otherwise mark any building, monument, post, wall, fence, tree or other thing; or

(ix) without proper authority remove, destroy, deface or otherwise obliterate any notice or other document put up

or exhibited under this Act or the rules or bye-laws made thereunder; or

(x) without proper authority displace, damage, make any alteration in, or otherwise interfere with, the pavement, gutter, storm water-drain, flags or other materials of any such street, or any lamp bracket, direction-post, hydrant or water-pipe maintained by the Corporation in any such street or place, or extinguish a public light; or

(xi) carry rubbish, filth or other polluted and obnoxious matter at any hour prohibited by the Commissioner by public notice, or in any pattern of cart or receptacle which has not been approved for the purpose by the Commissioner, or fail to close such cart or receptacle when in use; or

(b) carry rubbish, filth or other polluted and obnoxious matter along any route in contravention of any prohibition made in this behalf by the Commissioner by public notice; or

(c) deposit, or cause or permit to be deposited, earth or materials of any description or any rubbish or polluted and obnoxious matter in any place not intended for the purpose in any public street or public place or waste or unoccupied land under the management of the Corporation; or

(d) make any grave or burn or bury any corpse at any place not set apart for such purpose; or

(e) at any time or place at which the same has been prohibited by the Commissioner by public or special notice, beat a drum or tom-tom, or blow a horn or trumpet, or beat any utensil, or sound any brass or other instrument, or play any music; or

(f) disturb the public peace or order by singing, screaming or shouting, or by using any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud-speaker; or

(g) let loose any animal so as to cause, or negligently allow any animal to cause, injury, danger, alarm or annoyance to any person; or

(h) save with the written permission of the Commissioner and in such manner as he may authorise, store or use night-soil, cow-dung, manure, rubbish or any other substance emitting an offensive smell; or

(i) use or permit to be used as a latrine any place intended for that purpose.



(2) Every person shall take all reasonable means to prevent every child under the age of twelve years being in his charge from easing himself in any public street or public place.

(3) The owner or keeper of any animal shall not allow it straying in a public street or public place without a keeper.

(4) Any animal found straying as aforesaid may be removed by an officer or employee of the Corporation or by any police officer to a pound.

(5) Swines found straying in a public street or public place shall be liable to be destroyed by any officer or other employee of the Corporation appointed in this behalf.

398. Where the Commissioner is of opinion that there is a nuisance on any land or building, he may, by notice in writing, require the person by whose act, default or sufferance the nuisance arises or continues or the owner, lessee or occupier of the land or building, or any one or more of these persons, to remove or abate the nuisance by taking such measures in such manner and within such period as may be specified in the notice.

Power of Commissioner to require removal or abatement of nuisance.

#### *Dogs*

399. (1) The Corporation may, by bye-laws made in this behalf,—

Registration and control of dogs.

(a) require the registration, by the registration authority appointed by the Commissioner in this behalf of all dogs kept within Delhi;

(b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority, and fix the fee payable for the issue thereof;

(c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and

(d) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week.

(2) The Commissioner may—

(a) cause to be destroyed, or to be confined for such period as he may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;

(b) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without

marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners, if any, may be destroyed and cause them to be destroyed accordingly.

(3) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section. 5

(4) No one, being the owner or person in charge of any dog, shall allow it to be at large in any public street or public place without being muzzled and without being secured by a chain lead in any case in which— 10

(a) he knows that the dog is likely to annoy or intimidate any person, or

(b) the Commissioner has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles and chain leads. 15

(5) No one shall—

(a) allow any ferocious dog which belongs to him or is in his charge to be at large without being muzzled, or

(b) set on or urge any dog or other animal to attack, worry or intimidate any person, or 20

(c) knowing or having reason to believe that any dog or animal belonging to him or in his charge has been bitten by an animal suffering or reasonably suspected to be suffering from rabies, fail or neglect to give immediate information of the fact to the Commissioner or give information which is false. 25

#### *Prevention of fire, etc.*

Stacking or  
collecting  
inflammable  
materials.

400. The Commissioner may, by public notice, prohibit in any case where such prohibition appears to him to be necessary for the prevention of danger to life or property, the stacking or collecting of wood, dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting of fires in any place which may be specified in the notice. 30

Care of  
naked lights.

401. No person shall set a naked light on or near any building in any public street or other public place in such manner as to cause danger of fire: 35

Provided that nothing in this section shall be deemed to prohibit the use of lights for the purposes of illumination on the occasion of a festival or public or private entertainment.

**402.** No one shall discharge any fire-arm or let off fire-works or fire-balloons, or engage in any game in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property. Discharging fireworks, fire-arms, etc.

**403.** Where any building, or wall, or anything affixed thereto, or any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is in the opinion of the Commissioner, in a ruinous state, for want of sufficient repairs, protection or enclosure, a nuisance or dangerous to persons passing by or dwelling or working in the neighbourhood, the Commissioner may by notice in writing require the owner or part-owner or person claiming to be the owner or part-owner thereof or failing any of them the occupier thereof to remove the same or may require him to repair, protect or enclose the same in such manner as he thinks necessary; and if the danger is, in the opinion of the Commissioner, imminent, he shall forthwith take such steps as he thinks necessary to avert the same. Power to require buildings, wells, etc., to be rendered safe.

**404.** The Commissioner may, by notice in writing, require the owner or part-owner, or person claiming to be the owner or part-owner of any land or building, or the lessee or the person claiming to be the lessee of any such land which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has become the resort of idle and disorderly persons or of persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves or is used for gaming or immoral purposes or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice. Enclosure of waste land used for improper purposes.

## CHAPTER XX

### MARKETS, SLAUGHTER HOUSES, TRADES AND OCCUPATIONS

#### *Maintenance and regulation of markets and slaughter houses*

**405. (1)** The Commissioner, when authorised by the Corporation in this behalf, may provide and maintain municipal markets and slaughter houses in such number as he thinks fit together with stalls, shops, sheds, pens and other buildings and conveniences for the use of persons carrying on trade or business in, or frequenting such markets or slaughter houses and may provide and maintain in any such markets, buildings and places machines, weights, scales and measures for the weighment or measurement of goods sold therein. Provision of municipal markets and slaughter houses.

**(2)** Municipal markets and slaughter houses shall be under the control of the Commissioner who may at any time, by public notice, close any municipal market or slaughter house or any part thereof.

Use of  
municipal  
markets.

**406.** (1) No person shall, without the general or special permission in writing of the Commissioner, sell or expose for sale any animal or article in any municipal market.

(2) Any person contravening the provisions of sub-section (1), and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Commissioner or any officer or employee of the Corporation authorised by the Commissioner in this behalf.

Private  
markets and  
slaughter  
houses.

**407.** (1) No place other than a municipal market shall be used as a market unless such place has been licensed as a market by the Commissioner.

(2) No place other than a municipal slaughter house shall be used as a slaughter house:

Provided that nothing in this sub-section shall be deemed—

(a) to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony, subject to such conditions (non-compliance with which shall be punishable under this Act) as the Commissioner may, by public or special notice, impose in this behalf, or

(b) to prevent the Commissioner, with the sanction of the Corporation, from setting apart places for the slaughter of animals in accordance with religious custom.

Conditions  
of grant of  
licence for  
private  
market.

**408.** (1) The Commissioner may charge such fees as he thinks fit to impose for the grant of a licence to any person to open a private market and may grant such licence subject to such conditions, consistent with this Act and any bye-laws made thereunder, as he thinks fit to impose.

(2) When the Commissioner refuses to grant any licence, he shall record a brief statement of the reasons for such refusal.

(3) The Commissioner may, with the previous approval of the Standing Committee and for reasons to be recorded, suspend a licence in respect of a private market for such period as he thinks fit or cancel such licence.

(4) A private market of which the licence has been suspended or cancelled as aforesaid shall be closed with effect from such date as may be specified in the order of suspension or cancellation.

Prohibition  
of keeping  
market open  
without  
licence, etc.

**409.** (1) No person shall keep open for public use any market in respect of which a licence is required by or under this Act without obtaining a licence therefor, or while the licence therefor is suspended or after the same has been cancelled.

(2) When a licence to open a private market is granted or refused or is suspended or cancelled the Commissioner shall cause a notice of the grant, refusal, suspension or cancellation to be posted in such

language or languages as he thinks necessary in some conspicuous place by or near the entrance to the place to which the notice relates.

410. No person knowing that any market has been opened to the public without a licence having been obtained therefor when such licence is required by or under this Act or that the licence granted therefor is for the time being suspended or that it has been cancelled, shall sell or expose for sale any animal or article in such market.

Prohibition of use of unlicensed markets.

411. (1) The Commissioner may, with the previous approval of the Standing Committee, prohibit by public notice the sale or exposure for sale of animals and articles specified in such notice within a distance of one hundred yards of any municipal market or licensed private market.

Prohibition of business and trade near a market.

(2) When a notice under sub-section (1) has been issued, any person contravening the provisions thereof and any animal or article exposed for sale by such person may be summarily removed by or under the orders of the Commissioner or any officer or employee of the Corporation appointed by him in this behalf.

412. The Commissioner, with the previous approval of the Standing Committee, may—

Levy of stallages, rents and fees.

(a) charge such stallages, rents or fees as may from time to time be fixed by him in this behalf—

(i) for the occupation or use of any stall, shop, stand, shed or pen in a municipal market or municipal slaughter house,

(ii) for the right to expose articles for sale in a municipal market,

(iii) for the use of machines, weights, scales and measures provided for in any municipal market, and

(iv) for the right to slaughter animals in any municipal slaughter house, and for the feed of such animals before they are ready for slaughter; or

(b) farm the stallages, rents and fees chargeable as aforesaid or any portion thereof for such period as he may think fit; or

(c) put up to public auction or dispose of by private sale, the privilege of occupying or using any stall, shop, stand, shed or pen in a municipal market or municipal slaughter house for such period and on such conditions as he may think fit.

Stallages,  
rents, etc.  
to be pub-  
lished.

413. A copy of the table of stallages, rents and fees, if any, chargeable in any municipal market or municipal slaughter house, and of the bye-laws made under this Act for the purpose of regulating the use of such market or slaughter house printed in such language or languages as the Commissioner may direct, shall be affixed in some 5 conspicuous place in the market or slaughter house.

Power to  
expel lepers  
and dis-  
turbers, etc.,  
from  
markets.

414. The person in charge of a market shall prevent the entry therein of, and shall expel therefrom, any person suffering from leprosy in whom the process of ulceration has commenced or from any dangerous disease, who sells or exposes for sale therein any 10 article or who, not having purchased the same handles any article exposed for sale therein; and he may expel therefrom any person who is creating a disturbance therein.

Butcher's,  
fish-monger's  
and poulter-  
er's licence.

415. (1) No person shall without or otherwise than in conformity with a licence from the Commissioner carry on the trade of a butcher, 15 fish-monger, poulterer or importer of flesh intended for human food or use any place for the sale of flesh, fish or poultry intended for human food:

Provided that no licence shall be required for any place used for the sale or storage for sale of preserved flesh or fish contained in air- 20 tight or hermetically sealed receptacles.

(2) The Commissioner may by order and subject to such conditions as to supervision and inspection as he thinks fit to impose grant a licence or may by order refuse for reasons to be recorded, to grant 25 the same.

(3) Every such licence shall expire at the end of the year for which it is granted or at such earlier date as the Commissioner may, for special reasons, specify in the licence.

(4) If any place is used for the sale of flesh, fish or poultry in contravention of the provisions of this section, the Commissioner may 30 stop the use thereof by such means as he may consider necessary.

#### *Trades and occupations*

Factory, etc.,  
not to be  
established  
without per-  
mission of  
the Com-  
missioner.

416. (1) No person shall, without the previous permission in writing of the Commissioner, establish in any premises, or materially alter, enlarge or extend, any factory, workshop or trade premises 35 in which it is intended to employ steam, electricity, water or other mechanical power.

(2) The Commissioner may refuse to give such permission, if he is of the opinion that the establishment, alteration, enlargement or extension of such factory, workshop or trade premises, in the 40 proposed position would be objectionable by reason of the density

of the population in the neighbourhood thereof, or would be a nuisance to the inhabitants of the neighbourhood.

417. (1) No person shall use or permit to be used any premises for any of the following purposes without or otherwise than in conformity with the terms of a licence granted by the Commissioner in his behalf, namely:—

Premises not to be used for certain purposes without licence.

(a) any of the purposes specified in Part I of the Eleventh Schedule;

(b) any purpose which is, in the opinion of the Commissioner dangerous to life, health or property or likely to create a nuisance;

(c) keeping horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce thereof; or

(d) storing any of the articles specified in Part II of the Eleventh Schedule except for domestic use of any of those articles:

Provided that the Corporation may declare that premises in which the aggregate quantity of articles stored for sale does not exceed such quantity as may be prescribed by bye-laws in respect of any such articles shall be exempted from the operation of clause (d).

(2) In prescribing the terms of a licence granted under this section for the use of premises as mills or iron yards or for similar purposes the Commissioner may, when he thinks fit, require the licensee to provide a space or passage within the premises for carts for loading and unloading purposes.

(3) The Corporation shall fix a scale of fees to be paid in respect of premises licensed under sub-section (1).

Provided that no such fee shall exceed five hundred rupees.

418. (1) If any horses, cattle or other quadruped animals or birds are kept on any premises in contravention of the provisions of section 417, or are found abandoned and roaming or tethered on any street or public place or on any land belonging to the Corporation, the Commissioner or any officer empowered by him may seize them and may cause them to be impounded or removed to such place as may be appointed by the Government or the Corporation for this purpose and the cost of seizure of these animals or birds and of impounding or removing them shall be recoverable by sale by auction of these animals or birds:

Seizure of certain animals.

Provided that anyone claiming such animal or bird may, within seven days of the seizure get them released on his paying all expenses incurred by the Commissioner in seizing, impounding or removing,

and on his producing a licence for keeping these animals and birds issued under the provisions of section 417.

(2) Whenever the Commissioner is of opinion that the user of any premises for any of the purposes referred to in sub-section (1) of section 417 is causing a nuisance and such nuisance should be immediately stopped, the Commissioner may order the owner or the occupier of the premises to stop such nuisance within such time as may be specified in the order and in the event of the failure of the owner or occupier to comply with such order, the Commissioner may himself or by an officer subordinate to him cause such user to be stopped.

(3) Without prejudice to the foregoing provisions of this section any person by whom or at whose instance any horses, cattle or other quadruped animals or birds are so kept, abandoned or tethered, shall also be punishable under this Act. 15

Power of Commissioner to prevent use of premises in particular areas for purposes referred to in section 417.

419. (1) The Commissioner may give public notice of his intention to declare that in any area specified in the notice no person shall use any premises for any of the purposes referred to in sub-section (1) of section 417, which may be specified in such notice.

(2) No objections to any such declarations shall be received after 20 a period of one month from the publication of the notice.

(3) The Commissioner shall consider all objections received within the said period, giving any person affected by the notice an opportunity of being heard during such consideration, and may thereupon make a declaration in accordance with the notice published under sub-section (1), with such modifications, if any, as he may think fit but not so as to extend its application. 25

(4) Every such declaration shall be published in the Official Gazette and in such other manner as the Commissioner may determine, and shall take effect from the date of its publication in the Official Gazette. 30

(5) No person shall, in any area specified in any declaration published under sub-section (4), use any premises for any of the purposes referred to in section 417 specified in the declaration and the Commissioner shall have the power to stop the use of any such premises by such means as he considers necessary. 35

Licences for hawk-  
ing  
articles, etc.

420. No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf,—

(a) hawk or expose for sale in any place any article whatsoever whether it be for human consumption or not; 40



(b) use in any place his skill in any handicraft or for rendering services to and for the convenience of the public for the purposes of gain or making a living.

421. (1) No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, keep any eating house, lodging house, hotel, boarding house, tea shop, coffee house, cafe, restaurant, refreshment room or any place where the public are admitted for repose or for the consumption of any food or drink or any place where food is sold or prepared for sale.

Eating houses, etc., not to be used without licence from the Commissioner.

(2) The Commissioner may at any time cancel or suspend any licence granted under sub-section (1) if he is of the opinion that the premises covered thereby are not kept in conformity with the conditions of such licence or with the provisions of any bye-law made in this behalf, whether the licensee is prosecuted under this Act or not.

422. No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, keep open any theatre, circus, cinema house, dancing hall or other similar place of public resort, recreation or amusement:

Licensing and control of theatres, circuses and places of public amusement.

Provided that nothing in this section shall apply to private performances in any such place.

423. If the Commissioner is of opinion that any eating house, lodging house, hotel, boarding house, tea shop, coffee house, cafe, restaurant, refreshment room or other place where the public are admitted for repose or for consumption of any food or drink or where food is sold or prepared for sale or any theatre, circus, cinema house, dancing hall or similar other place of public resort, recreation or amusement is kept open without a licence or otherwise than in conformity with the terms of a licence granted in respect thereof, he may stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary.

Power of Commissioner to stop use of premises used in contravention of licences.

#### *Inspection of places of sales, etc.*

424. (1) If the Commissioner or any person authorised by him in this behalf has reason to believe that any animal intended for human consumption is being slaughtered or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorised under this Act, he may, at any time by day or night without notice, inspect such place for the purpose of satisfying himself as to whether any provision of this Act or of any bye-law made under this Act at the time in force is being contravened thereat and may

Power of Commissioner to inspect places where unlawful slaughter of animals, etc., is suspected.

seize any such animal or the carcass of such animal or such flesh found therein.

(2) The Commissioner may remove and sell by auction or otherwise dispose of any animal or carcass of any animal or any flesh seized under sub-section (1). 5

(3) If within one month of such seizure the owner of the animal, carcass or flesh fails to appear and prove his claim to the satisfaction of the Commissioner or if the owner is convicted of an offence under this Act in respect of such animal, carcass or flesh, the proceeds of any sale under sub-section (1) shall vest in the Corporation. 10

(4) Any person slaughtering any animal or selling or exposing for sale the flesh of any such animal in any place or manner not duly authorised under the provisions of this Act may be arrested by any police officer without a warrant.

(5) No claim shall lie against any person for compensation for 15 any damage necessarily caused by any such entry or by the use of any force necessary for affecting such entry.

## CHAPTER XXI

### IMPROVEMENT

Improvement  
scheme.

425. Where the Commissioner upon information in his possession 20 is satisfied as respects any area—

(a) that the buildings in that area are by reason of disrepair or sanitary defects unfit for human habitation or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets or the want of light, air, ventilation or proper con- 25 veniences, dangerous or injurious to the health of the inhabitants of the area; and

(b) that the most satisfactory method of dealing with the conditions in the area is the re-arrangement and reconstruction of the streets and buildings in the area in accordance with an 30 improvement scheme;

he may frame an improvement scheme in respect of the area in accordance with the bye-laws made in this behalf.

Matters to  
be provided  
for in an  
improvement  
scheme.

426. (1) An improvement scheme may provide for all or any of the following matters, namely:— 35

(a) the acquisition by agreement or under the Land Acquisition Act, 1894, of any property necessary for or affected by the execution of the scheme; 1 of 1894.

(b) the relaying out of any land comprised in the scheme;

(c) the redistribution of sites belonging to owners of property 40 comprised in the scheme;

(d) the closure or demolition of buildings or portions of buildings unfit for human habitation;

(e) the demolition of obstructive buildings or portions thereof ;

(f) the construction and reconstruction of buildings;

(g) the construction and alteration of streets;

5 (h) the water supply, street lighting, drainage and other conveniences;

(i) the provision of open spaces for the benefit of any area comprised in the scheme;

10 (j) the sanitary arrangements required for the area comprised in the scheme;

(k) the provision of accommodation for any class of the inhabitants;

(l) the provision of facilities for communication;

15 (m) the sale, letting or exchange of any property comprised in the scheme;

(n) any other matter for which, in the opinion of the Commissioner it is expedient to make provision with a view to the improvement of the area to which the scheme relates.

(2) Where any land is designated in an improvement scheme as  
20 subject to acquisition or is required by the scheme to be kept as an open space, then, if at the expiration of ten years from the date of sanction of the scheme by the Central Government under sub-section (2) of section 427, the land is not acquired by the Commissioner, the owner of the land may serve on the Commissioner a notice requiring  
25 his interest in the land to be so acquired.

(3) If the Commissioner fails to acquire the land within a period of six months from the receipt of the notice, the improvement scheme shall have effect after the expiration of the said six months as if the land were not designated as subject to acquisition by the  
30 Commissioner or were not required to be kept as an open space.

427. (1) Every improvement scheme shall, as soon as may be after it has been framed, be submitted by the Commissioner for approval to the Corporation and the Corporation may either approve the scheme without modifications or with such modifications as it may consider  
35 necessary or reject the scheme with directions to the Commissioner to have a fresh scheme framed according to such directions.

Submission of improvement scheme to the Corporation for approval and to the Central Government for sanction.

(2) No improvement scheme approved by the Corporation under sub-section (1) shall be valid unless it has been sanctioned by the Central Government.

40 428. The Commissioner while framing an improvement scheme under this Chapter for any area may also frame a scheme (hereafter in this Act referred to as the rehousing scheme) for the construction, maintenance and management of such and so many buildings as he may consider necessary for providing accommodation for persons who  
45 are likely to be displaced by the execution of the improvement scheme.

Rehousing scheme.

429. No improvement scheme or rehousing scheme framed under this Chapter after a master plan for Delhi or a zonal development plan for any part thereof has been prepared in accordance with law  
50 shall be valid unless such scheme is in conformity with the provisions of the master plan or the zonal development plan.

Improvement scheme and rehousing scheme to comply with the master plan and zonal development plan.

## CHAPTER XXII

## POWERS, PROCEDURE, OFFENCES AND PENALTIES

*Licences and written permissions*

Signature,  
conditions,  
duration,  
suspension,  
revocation,  
etc., of  
licences and  
written  
permissions.

**430.** (1) Whenever it is provided in this Act or any bye-law made thereunder that a licence or a written permission may be granted for 5 any purpose, such licence or written permission shall be signed by the Commissioner or by the officer empowered to grant the same under this Act or the bye-laws made thereunder or by any municipal officer authorised by the Commissioner or such officer in this behalf and shall specify in addition to any other matter required to be 10 specified under any other provision of this Act or any provision of any bye-law made thereunder—

(a) the date of the grant thereof;

(b) the purpose and the period (if any) for which it is 15 granted;

(c) restrictions or conditions, if any, subject to which it is granted;

(d) the name and address of the person to whom it is granted; and

(e) the fee, if any, paid for the licence or written permis- 20 sion.

(2) Except as otherwise provided in this Act or any bye-law made thereunder, for every such licence or written permission a fee may be charged at such rate as may from time to time be fixed by the Commissioner with the sanction of the Corporation and such 25 fee shall be payable by the person to whom the licence or written permission is granted.

(3) Save as otherwise provided in this Act or any bye-law made thereunder any licence or written permission granted under this Act or any bye-law made thereunder may at any time be suspended or 30 revoked by the Commissioner or by the officer by whom it was granted, if he is satisfied that it has been secured by the grantee through misrepresentation or fraud or if any of its restrictions or conditions has been infringed or evaded by the grantee, or if the grantee has been convicted for the contravention of any of the pro- 35 visions of this Act or any bye-law made thereunder relating to any matter for which the licence or permission has been granted:

Provided that—

(a) before making any order of suspension or revocation reasonable opportunity should be afforded to the grantee of the 40

licence or the written permission to show cause why it should not be suspended or revoked;

(b) every such order shall contain a brief statement of the reasons for the suspension or revocation of the licence or the written permission.

(4) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall, for all purposes of this Act or any bye-law made thereunder, be deemed to be without a licence or written permission until such time as the order suspending or revoking the licence or written permission is rescinded or until the licence or written permission is renewed.

(5) Every grantee of any licence or written permission granted under this Act shall at all reasonable times, while such licence or written permission remains in force, if so required by the Commissioner or the authority by whom it was granted, produce such licence or written permission.

#### *Entry and inspection*

431. The Commissioner, the General Manager (Electricity) or the General Manager (Transport) or any municipal officer or other municipal employee authorised in this behalf by any of the municipal authorities specified in section 43 or empowered in this behalf by or under any provision of this Act, may enter into or upon any land or building with or without assistants and workmen—

Powers of entry and inspection.

(a) for the purpose of ascertaining whether there is or has been on or in connection with the land or building any contravention of the provisions of this Act or any bye-law made thereunder;

(b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the Commissioner, the General Manager (Electricity) or the General Manager (Transport) or any municipal officer or employee authorised or empowered in this behalf to take any action or execute any work under this Act or any bye-law made thereunder;

(c) for the purpose of taking any action or executing any work authorised or required by this Act or any bye-law made thereunder;

(d) to make any inquiry, inspection, examination, measurement, valuation or survey authorised or required by or under this Act or necessary for the proper administration of this Act;

(e) generally for the purpose of efficient discharge of the functions by any of the municipal authorities under this Act or any bye-law made thereunder.

Power to enter land adjoining land in relation to any work.

432. (1) The Commissioner, the General Manager (Electricity) or the General Manager (Transport) or any person authorised in this behalf by any of the municipal authorities specified in section 43 or empowered in this behalf by or under any provision of this Act, may enter on any land within fifty yards of any work authorised by or under this Act with or without assistants and workmen for the purpose of depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purposes connected with the execution of the same. 5 10

(2) The person so authorised shall, before entering on any such land, state the purpose thereof, and shall, if so required by the owner or occupier thereof, fence off so much of the land as may be required for such purpose. 15

(3) The person so authorised shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Corporation in accordance with bye-laws made in this behalf to the owner or occupier of such land or to both for any such damage, whether permanent or temporary. 20

Breaking into buildings.

433. It shall be lawful for the Commissioner, the General Manager (Electricity) or the General Manager (Transport) or any person authorised in this behalf by any of the municipal authorities specified in section 43 or empowered in this behalf by or, under any provision of this Act, to make any entry into any place, and to open or cause to be opened any door, gate or other barrier—

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent or being present refuses to open such door, gate or barrier. 30

Time of making entry.

434. Save as otherwise provided in this Act or any bye-law made thereunder, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

Consent ordinarily to be obtained

435. Save as otherwise provided in this Act or any bye-law made thereunder, no land or building shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof and no such entry shall be made without giving the said owner or occupier, as the case may be, not less than twenty-four hours' written notice of the intention to make such entry : 35 40

Provided that no such notice shall be necessary if the place to be inspected is a factory or workshop or trade premises or a place used

for any of the purposes specified in section 417 or a stable for horses or a shed for cattle or a latrine or urinal or a work under construction, or for the purpose of ascertaining whether any animal intended for human food is slaughtered in that place.

5     **436.** When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and  
10 every reasonable facility has been afforded to her for withdrawing.

Regard to be had to social or religious usages.

**437.** No person shall obstruct or molest any person authorised or empowered by or under this Act or any person with whom the Corporation or any of the municipal authorities specified in section 43 has lawfully contracted, in the execution of his duty or of any-  
15 thing which he is authorised or empowered or required to do by virtue or in consequence of any of the provisions of this Act or any bye-law made thereunder, or in fulfilment of his contract, as the case may be.

Prohibition of obstruction or molestation in execution of work.

#### *Public notices and advertisements*

20     **438.** Every public notice given under this Act or any bye-law made thereunder shall be in writing under the signature of any of the following appropriate municipal authorities, that is to say, the Commissioner or the General Manager (Electricity) or the General Manager (Transport) or of any municipal officer authorised in this  
25 behalf by any of the aforesaid municipal authorities, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality or by publishing the same by beat of drum or by advertisement in local newspapers or by any two or more of these means and by any  
30 other means that the appropriate municipal authority may think fit.

Public notices how to be made known.

**439.** Whenever it is provided by this Act or any bye-law made thereunder that notice shall be given by advertisement in local newspapers, or that a notification or information shall be published in local newspapers, such notice, notification or information shall be  
35 inserted, if practicable, in at least three newspapers in such languages as the Corporation may from time to time specify in this behalf:

Newspapers in which advertisements or notices to be published.

      Provided that if the Corporation publishes a municipal journal, a publication in that journal shall be deemed to be a publication in a newspaper of the language in which the said journal may be  
40 published.

*Evidence*

Proof of consent, etc., of Commissioner, General Managers, etc.

**440.** Whenever under this Act or any rule, regulation or bye-law made thereunder the doing of, or the omission to do, anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of the Commissioner 5 or the General Manager (Electricity) or the General Manager (Transport) or of any municipal officer, a written document signed by any such municipal authority or officer purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof. 10

*Notices, etc.*

Notices, etc., to fix reasonable time.

**441.** Where any notice, bill, order or requisition issued or made under this Act or any rule, regulation or bye-law made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rule, regulation or bye-law, the notice, bill, order 15 or requisition shall specify a reasonable time for doing the same.

Signature on notices, etc., may be stamped.

**442. (1)** Every licence, written permission, notice, bill, summons or other document which is required by this Act or any rule, regulation or bye-law made thereunder to bear the signature of the Commissioner or the General Manager (Electricity) or the General 20 Manager (Transport) or of any municipal officer, shall be deemed to be properly signed if it bears a facsimile of the signature of any such municipal authority or officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a 25 cheque drawn upon the Municipal Fund under section 100.

Notices, etc., by whom to be served or issued.

**443.** All notices, bills, summonses and other documents required by this Act or any rule, regulation or bye-law made thereunder to be served upon, or issued to, any person, shall be served or issued by municipal officers or other municipal employees or by other 30 persons authorised by any of the following appropriate municipal authorities, that is to say, the Commissioner, the General Manager (Electricity) or the General Manager (Transport).

Service of notices, etc.

**444. (1)** Every notice, bill, summons, order, requisition or other document required or authorised by this Act or any rule, regulation 35 or bye-law made thereunder to be served or issued by or on behalf of the Corporation, or by any of the municipal authorities specified in section 43 or any municipal officer, on any person shall, save as otherwise provided in this Act or such rule, regulation or bye-law, be deemed to be duly served— 40

(a) where the person to be served is a company, if the document is addressed to the secretary of the company at its



registered office or at its principal office or place of business and is either—

(i) sent by registered post, or

5 (ii) delivered at the registered office or at the principal office or place of business of the company;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—

10 (i) sent by registered post, or

(ii) delivered at the said place of business;

(c) where the person to be served is a public body, or a corporation, society or other body, if the document is addressed to the secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either—

15 (i) sent by registered post, or

(ii) delivered at that office;

(d) in any other case, if the document is addressed to the person to be served and—

20 (i) is given or tendered to him, or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the Union territory of Delhi, or is given or tendered to some adult member of his family or is affixed

25 on some conspicuous part of the land or building, if any, to which it relates, or

(iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed

30 "the owner" or "the occupier", as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served—

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

35 (b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises the Commissioner may by notice in writing require the occupier of the premises to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor. 10

(6) Nothing in sections 442 and 443 and in this section shall apply to any summons issued under this Act by a court.

(7) A servant is not a member of the family within the meaning of this section.

Service of  
bills for  
tax or notice  
of demand  
by ordinary  
post.

445. Notwithstanding anything contained in sections 443 and 444 15 a bill for any tax or a notice of demand may be served by sending it by ordinary post with a pre-paid letter under a certificate of posting addressed to the appropriate person specified in section 444 at his last known place of residence or business and in proving the service of every bill or notice so sent it shall be sufficient to prove that the 20 letter was properly addressed and posted under a certificate of posting.

Powers in  
case of non-  
compliance  
with notice,  
etc.

446. In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act or any rule, regulation or bye-law made thereunder, requiring such person to 25 execute any work or to do any act it shall be lawful for the authority or officer at whose instance the notice, order or requisition has been issued, whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take 30 such action or such steps as may be necessary for the completion of the act or the work required to be done or executed by such person and all the expenses incurred on such account shall be payable to the Commissioner on demand and if not paid within ten days after such demand, shall be recoverable as an arrear of tax under this 35 Act.

#### *Recovery of expenses*

Liability of  
occupier to  
pay in de-  
fault of  
owner.

447. (1) If any notice, order or requisition has been issued to any person in respect of property of which he is the owner, the authority or officer at whose instance such notice, order or requisition has 40 been issued, may require the occupier of such property or of any

part thereof to pay to him, instead of to the owner, any rent payable by him in respect of such property, as it falls due up to the amount recoverable from the owner under section 446 :

5 Provided that if the occupier refuses to disclose the correct amount of the rent payable by him or the name or address of the person to whom it is payable, the authority or officer may recover from the occupier the whole amount recoverable under section 446 as an arrear of tax under this Act.

(2) Any amount recovered from an occupier instead of from an owner under sub-section (1), shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid to the owner.

448. Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act or any bye-law made thereunder, the occupier, if any, of such land or building may, with the approval of the Commissioner, execute the said work and he shall, subject to any contract between the owner and occupier to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in the execution of the work and may deduct the amount thereof from the rent payable by him to the owner.

Execution of work by occupier in default of owner and deduction of expenses from rent.

449. (1) Where any person, by reason of his receiving rent of immovable property as a receiver, agent or trustee, or of his being as a receiver, agent or trustee the person who would receive the rent if the property were let to a tenant, would under this Act or any bye-law made thereunder, be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had funds in his hands belonging to the owner sufficient for the purpose.

Relief to agents and trustees.

(2) The burden of proving any fact entitling a receiver, agent or trustee to relief under sub-section (1) shall lie upon him.

(3) Where any receiver, agent or trustee has claimed and established his right to relief under this section, the Commissioner may, by notice in writing require him, to apply to the discharge of his obligation as aforesaid the first moneys which may come to his hands on behalf, or for the use, of the owner, and on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

*Payment of compensation*

General  
power to pay  
compensa-  
tion.

450. In any case not otherwise provided for in this Act or in any bye-law made thereunder, the Commissioner with the previous approval of the Standing Committee, or with respect to matters relating to the Delhi Water Supply and Sewage Disposal Under- 5 taking with the previous approval of the Delhi Water Supply and Sewage Disposal Committee, the General Manager (Electricity) and the General Manager (Transport) with the previous approval respectively of the Delhi Electric Supply Committee and the Delhi Transport Committee, may pay compensation to any person who 10 sustains damage by reason of the exercise of any of the powers vested by this Act or any bye-law in the Commissioner or the General Managers or in any municipal officer or other municipal employee.

Compensa-  
tion to be  
paid by  
offenders for  
damage  
caused by  
them.

451. (1) Any person who has been convicted of an offence against 15 this Act or any bye-law made thereunder shall, notwithstanding any punishment to which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to the property of the Corporation resulting from the said offence as the appropriate municipal authority may consider reasonable. 20

(2) In the event of a dispute regarding the amount of compensa-  
tion payable under sub-section (1) such amount shall, on application  
made to him, be determined by the magistrate before whom the said  
person was convicted of the said offence; and on non-payment of the  
amount of compensation so determined the same shall be recovered 25  
under a warrant from the said magistrate as if it were a fine imposed  
by him on the person liable therefor.

*Recovery of expenses or compensation in case of dispute*

Reference to  
the court of  
the district  
judge in  
certain cases.

452. (1) If, when the Commissioner demands payment of any expenses referred to in section 446, his right to demand the same or 30 the amount of the demand is disputed within ten days after such demand, the Commissioner shall refer the case for determination to the court of the district judge of Delhi.

(2) The Commissioner shall, pending the decision on any such reference, defer further proceedings for the recovery of the sum 35 claimed by him, and shall, after the decision, proceed to recover only such amount, if any, as is thereby declared to be due in the manner referred to in section 446.

Application  
to the court  
of the district  
judge in  
other cases.

453. (1) Where, in any case not provided for by section 452, the Corporation or any municipal authority or any municipal officer or 40 other municipal employee is required by this Act or by any bye-law made thereunder to pay any expenses or any compensation, the

amount to be so paid and if necessary, the apportionment of the same, shall, in case of dispute, be determined by the court of the district judge of Delhi on application having been made to it for this purpose at any time within one year from the date when such  
5 expenses or compensation first became claimable.

(2) If the amount of any expenses or compensation ascertained in accordance with sub-section (1) is not paid by the person liable therefor on demand, it shall be recoverable as if the same were due under a decree passed by the court of the district judge in an  
10 original suit tried by it.

454. Instead of proceeding in the manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success,  
15 the sum due or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any court of competent jurisdiction.

Power to  
sue for ex-  
penses or  
compensation

#### *Recovery of certain dues*

455. In any case not expressly provided for in this Act or any  
20 bye-law made thereunder any sum due to the Corporation on account of any charge, costs, expenses, fees, rates or rent or on any other account under this Act or any such bye-law may be recoverable from any person from whom such sum is due as an arrear of tax under this Act :

Mode of  
recovery  
of certain  
dues.

25 Provided that no proceedings for the recovery of any sum under this section shall be commenced after the expiry of three years from the date on which such sum becomes due.

#### *Obstruction of owner by occupier*

456. (1) The owner of any land or building may, if he is prevented  
30 by the occupier thereof from complying with any provision of this Act or any bye-law made thereunder or with any notice, order or requisition issued under such provision, apply to the court of the district judge of Delhi; and where such application is made within any time that may be fixed for the compliance with such provision or notice, order or requisition, the owner shall not be liable for  
35 his failure to comply with the provision, or notice, order or requisition within the time so fixed.

Right of  
owner to  
apply to the  
court of the  
district  
judge in  
case of ob-  
struction by  
occupier.

(2) The court, on receipt of such application, may make a written order requiring the occupier of the land or building to afford  
40 all reasonable facilities to the owner for complying with the said

provision or notice, order or requisition and may also, if it thinks fit direct that the costs of such application and order be paid by the occupier.

(3) After eight days from the date of the order referred to in sub-section (2), the occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be specified in the order; and in the event of his continued refusal to do so, the owner shall be discharged during the continuance of such refusal, from any liability which may have been otherwise incurred by reason of his failure to comply with the said provision or notice, order or requisition.

*Proceedings before the court of the district judge*

General powers and procedure of the court of the district judge.

457. The procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall be followed, as far as it can be made applicable, in the disposal of applications, appeals or references that may be made to the court of the district judge of Delhi under this Act or any bye-law made thereunder. 5 of 1908.

Fees in proceedings before the court of the district judge.

458. (1) The Central Government may, by notification in the Official Gazette, prescribe what fee shall be paid—

(a) on any application, appeal or reference under this Act or any bye-law made thereunder to the court of the district judge of Delhi; and

(b) for the issue, in connection with any inquiry or proceedings before that court under this Act or such bye-law, of any summons or other process : 25

Provided that the fee, if any, prescribed under clause (a) shall not, in cases in which the value of the claim or subject matter is capable of being estimated in money, exceed the fees leviable for the time being under the provisions of the Court-fees Act, 1870, in cases in which the amount of the claim or subject matter is of a like amount. 7 of 1870.

(2) The Central Government may, by like notification, determine the person by whom the fee, if any, prescribed under clause (a) of sub-section (1), shall be payable.

(3) No application, appeal or reference shall be received by the court of the district judge until the fee, if any, prescribed therefor under clause (a) of sub-section (1) has been paid :

Provided that the court may in any case in which it thinks fit so to do,—

(i) receive an application, appeal or reference made by or on behalf of a poor person, and

(ii) issue process on behalf of any such person,  
without payment or on part payment of the fees prescribed under  
this section.

459. Whenever any application, appeal or reference made under  
5 this Act or any bye-law made thereunder to the court of the district  
judge is settled by agreement between the parties before the hear-  
ing, half the amount of all fees paid up to that time shall be repaid  
by the court to the parties by whom the same have respectively  
been paid.

Repayment  
of half fees  
on settlement  
before  
hearing.

10 460. The court of the district judge of Delhi may—

(a) delegate, either generally or specially, to the court of  
an additional district judge, power to receive applications,  
appeals and references under this Act or any rule, regulation  
or bye-law made thereunder, and to hear and determine such  
15 applications, appeals and references;

Power of  
the court of  
the district  
judge to  
delegate  
certain  
powers and  
to make  
rules.

(b) with the approval of the Central Government, make  
rules not inconsistent with this Act or any rule, regulation or  
bye-law made thereunder, providing for any matter connected  
with the exercise of the jurisdiction conferred upon the court  
20 by this Act which is not herein specifically provided for.

#### *Offences and penalties*

461. Whoever—

(a) contravenes any provision of any of the sections, sub-  
sections, clauses, provisos or other provisions of this Act men-  
25 tioned in the first column of the Table in the Twelfth Schedule;  
or

Punishment  
for certain  
offences.

(b) fails to comply with any order or direction lawfully  
given to him or any requisition lawfully made upon him under  
any of the said sections, sub-sections, clauses, provisos or other  
30 provisions,

shall be punishable—

(i) with fine which may extend to the amount, or with  
imprisonment for a term which may extend to the period  
specified in that behalf in the third column of the said Table or  
35 with both; and

(ii) in the case of a continuing contravention or failure,  
with an additional fine which may extend to the amount speci-  
fied in the fourth column of that Table for every day during  
which such contravention or failure continues after conviction  
40 for the first such contravention or failure.

Punishment for acquiring share or interest in contract, etc., with the Corporation.

**462.** Any councillor or any member, not being a councillor, of the Delhi Electric Supply Committee, the Delhi Transport Committee, the Delhi Water Supply and Sewage Disposal Committee or of any other committee of the Corporation, who knowingly acquires, directly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation not being a share or interest such as under section 9 it is permissible for a councillor to have without being thereby disqualified for being a councillor, and the Commissioner, the General Manager (Electricity), the General Manager (Transport) or any municipal officer or other municipal employee who knowingly acquires, directly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation not being a share or interest such as under clause (i) of sub-section (1) of section 9 or sub-clauses (ii) and (iii) of clause (d) of sub-section (2) of that section it is permissible for a councillor to have, without being thereby disqualified for being a councillor, shall be deemed to have committed the offence made punishable under section 168 of the Indian Penal Code.

45 of 1860.

Punishment for offences relating to terminal taxes.

**463.** The law for the time being in force for the punishment of offences relating to the levy or payment of land customs duties shall, as far as may be, apply to similar offences committed in respect of the imposition, and payment of terminal taxes imposed under this Act.

Penalty for evasion of terminal taxes.

**464.** Where any goods imported into Delhi are liable to the payment of terminal tax, any person who, with the intention of evading payment of the tax introduces or attempts to introduce or causes or abets the introduction of any such goods within the Union territory of Delhi, upon which payment of terminal tax due on such introduction, has neither been made nor tendered, shall be punishable with fine which may extend to ten times the amount of such terminal tax.

General penalty.

**465.** Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to one hundred rupees, and in the case of a continuing failure or contravention, with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the failure or contravention.

Offences by companies.

**466.** (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was incharge of, and was responsible to, the Company for

40



the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render  
5 any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where  
10 an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be  
15 deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) “company” means a body corporate, and includes a firm or other association of individuals; and

20 (b) “director” in relation to a firm means a partner in the firm.

467. Save as otherwise provided in this Act, no court shall pro- Prosecutions.  
ceed to the trial of any offence made punishable by or under this Act except on the complaint of, or upon information received from,  
25 any of the following appropriate municipal authorities, that is to say, the Commissioner, the General Manager (Electricity) the General Manager (Transport) or a person authorised by any of them by a general or special order in this behalf.

468. (1) Any of the following appropriate municipal authorities, Composition  
30 that is to say, the Commissioner, the General Manager (Electricity), the General Manager (Transport) or any person authorised by any of them by general or special order in this behalf, may, either before or after the institution of the proceedings compound any offence made punishable by or under this Act:

35 Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Corporation or of any of the municipal authorities specified in section 43 unless and until the same has been complied with so far as the compliance is possible.

40 (2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

*Magistrates and proceedings before magistrates***Municipal  
magistrates.**

**469.** (1) The Central Government may appoint one or more magistrates of the first class for the trial of offences against this Act and against any rule, regulation or bye-law made thereunder and may prescribe the time and place at which such magistrate or 5 magistrates shall sit for the despatch of business.

(2) Such magistrates shall be called municipal magistrates and shall besides the trial of offences as aforesaid, exercise all other powers and discharge all other functions of a magistrate as provided in this Act or any rule, regulation or bye-law made thereunder. 10

(3) Such magistrates and the members of their staff shall be paid such salary, pension, leave and other allowances as may, from time to time, be fixed by the Central Government.

(4) The Corporation shall, out of the Municipal Fund, pay to the Central Government the amounts of the salary, pension, leave and 15 other allowances as fixed under sub-section (3) together with all other incidental charges in connection with the establishments of the said magistrates.

(5) Each such magistrate shall have jurisdiction over the whole of Delhi. 20

(6) For the purposes of the Code of Criminal Procedure, 1898, all municipal magistrates appointed under this Act shall be deemed to be magistrates appointed under section 12 of the said Code. 5 of 1898

**Cognizance  
of offences.**

**470.** All offences against this Act or any rule, regulation or bye-law made thereunder, whether committed within or without the 25 limits of Delhi, shall be cognizable by a municipal magistrate and such magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence under any enactment which is repealed by, or which ceases to have effect under, this Act by reason only of his being liable to pay any municipal 30 tax or rate or benefited out of the Municipal Fund.

**Limitation  
of time for  
prosecution.**

**471.** No person shall be liable to punishment for any offence against this Act or any rule, regulation or bye-law made thereunder, unless complaint of such offence is made before a municipal magis- 35-  
trate within six months next after—

(a) the date of the commission of such offence, or

(b) the date on which the commission or existence of such offence was first brought to the notice of the complainant.

472. If any person summoned to appear before a magistrate to answer a charge of an offence against this Act or any rule, regulation or bye-law made thereunder fails to appear at the time and place mentioned in the summons, or on any date to which the hearing of the case is adjourned, the magistrate may hear and determine the case in his absence, if—

Power of  
magistrate  
to hear  
cases in  
absence of  
accused  
when sum-  
moned to  
appear.

(a) service of the summons is proved to his satisfaction, and

(b) no sufficient cause is shown for the non-appearance of such person.

473. (1) Any of the municipal authorities specified in section 43 or any municipal officer or other municipal employee authorised by any of the municipal authorities in this behalf or any person who resides or owns property in Delhi, may complain to a municipal magistrate of the existence of any nuisance.

Complaints  
concerning  
nuisances  
and pro-  
cedure  
therefor.

(2) Upon the receipt of any such complaint the magistrate, after making such inquiry as he thinks necessary, may by written order direct the person responsible for the nuisance or the owner of the land or building on which the nuisance has taken place, to take such measures as to such magistrate may seem practicable and reasonable, and within such period as may be specified in the order, for abating, preventing, removing or remedying such nuisance and may direct any of the appropriate municipal authorities to put into force any of the provisions of this Act or any bye-law made thereunder.

(3) The magistrate may further direct the person found responsible for the nuisance to pay to the complainant such reasonable costs of and relating to the said complaint as he shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(4) Where in the opinion of the magistrate immediate action to prevent the nuisance is necessary he may dispense with the inquiry as required by sub-section (2) and make such order as he considers necessary forthwith.

(5) If the person directed to take action by an order under sub-section (2) or sub-section (3) fails to do so within the period specified in the order, the Commissioner or any other appropriate municipal authority may on the expiry of the said period proceed to take action as directed in the order or may take such other measures to abate, prevent, remove or remedy the nuisance as he considers necessary, and all expenses incurred in that connection shall be

recoverable from the person against whom the magistrate has made the order as an arrear of tax under this Act.

*Powers and duties of police officers*

Arrest of  
offenders.

474. (1) Any police officer may arrest any person who commits in his view any offence against this Act or against any rule, regulation or bye-law made thereunder, if—

(a) the name and address of such person be unknown to him, and

(b) such person on demand declines to give his name and address or gives a name and address which such officer has no reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of the nearest magistrate, for a period longer than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such magistrate.

Duties of  
police  
officers.

475. It shall be the duty of all police officers to give immediate information to the Commissioner or any other appropriate municipal authority of the commission of any offence against this Act or any rule, regulation or bye-law made thereunder and to assist all municipal officers and other municipal employees in the exercise of their lawful authority.

*Legal proceedings*

Power to  
institute,  
etc., legal  
proceedings  
and obtain  
legal advice.

476. (1) The Commissioner may—

(a) take, or withdraw from, proceedings against any person who is charged with—

(i) any offence against this Act or any rule, regulation or bye-law made thereunder; or

(ii) any offence which affects or is likely to affect any property or interest of the Corporation or the due administration of this Act; or

(iii) committing any nuisance whatsoever;

(b) contest or compromise any appeal against rateable value or assessment of any tax or rate;

(c) take, or withdraw from, or compromise, proceedings under sections 451, 452 and 453 for the recovery of expenses or compensation claimed to be due to the Corporation;

(d) withdraw or compromise any claim for a sum not exceeding one thousand rupees against any person;

(e) defend any suit or other legal proceeding brought against the Corporation or against the Commissioner or a municipal officer or other municipal employee in respect of anything

done or omitted to be done by any one of them in his official capacity;

(f) with the approval of the Standing Committee, admit or compromise any claim, suit or other legal proceeding brought  
5 against the Corporation or against the Commissioner or any municipal officer or other municipal employee in respect of anything done or omitted to be done as aforesaid;

(g) withdraw or compromise any claim against any person in respect of a penalty payable under a contract entered into  
10 with such person by the Commissioner on behalf of the Corporation;

(h) institute and prosecute any suit or other legal proceeding, or with the approval of the Standing Committee withdraw from or compromise any suit or any claim for any sum not  
15 exceeding five hundred rupees which has been instituted or made in the name of the Corporation or of the Commissioner;

(i) obtain such legal advice and assistance as he from time to time thinks necessary or expedient to obtain or as he may be required by the Corporation or the Standing Committee to obtain, for any of the purposes mentioned in the foregoing  
20 clauses or for securing lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any municipal officer or other municipal employee.

(2) Any reference in sub-section (1) to the Commissioner shall  
25 be construed—

(a) in relation to any matter specified in that sub-section pertaining to the Delhi Electric Supply Undertaking as a reference to the General Manager (Electricity);

(b) in relation to any such matter pertaining to the Delhi  
30 Transport Undertaking, as a reference to the General Manager (Transport).

477. No suit or prosecution shall be entertained in any court  
against the Corporation or against any municipal authority or against  
any municipal officer or other municipal employee or against any  
35 person acting under the order or direction of any municipal authority or any municipal officer or other municipal employee, for anything which is in good faith done or intended to be done, under this Act or any rule, regulation or bye-law made thereunder.

478. (1) No suit shall be instituted against the Corporation or  
40 against any municipal authority or against any municipal officer or other municipal employee or against any person acting under the order or direction of any municipal authority or any municipal

Protection of action of the Corporation, etc.

Notice to be given of suits.

officer or other municipal employee, in respect of any act done, or purporting to have been done, in pursuance of this Act or any rule, regulation or bye-law made thereunder, until the expiration of two months after notice in writing has been left at the municipal office and, in the case of such officer, employee or person, unless notice in writing has also been delivered to him or left at his office or place of residence, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and place of residence of the intending plaintiff, and unless the plaint contains a statement that such notice has been so left or delivered.

(2) If the Corporation, authority, officer or employee, or person has, before the suit is instituted, tendered sufficient amends to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered, and shall also pay all costs incurred by the defendant after such tender.

(3) No suit, such as is described in sub-section (1), shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.

(4) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit.

## CHAPTER XXIII

25

### *Rules, regulations and bye-laws*

Supple-  
mental pro-  
visions res-  
pecting rules. 479. (1) Any rule which the Central Government is empowered to make under this Act may provide that any contravention thereof shall be punishable with fine which may extend to one hundred rupees.

30

(2) All rules made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

35

Supple-  
mental pro-  
visions res-  
pecting re-  
gulations 480. (1) Any regulation which may be made by the Corporation under this Act, may be made by the Central Government within one year of the establishment of the Corporation; and any regulation so made may be altered or rescinded by the Corporation in the exercise of its powers under this Act.

40

(2) No regulation made by the Corporation under this Act shall have effect until it has been approved by the Central Government and published in the Official Gazette.

481. (1) Subject to the provisions of this Act the Corporation may, <sup>Power to</sup> in addition to any bye-laws which it is empowered to make by any <sup>make bye-</sup> other provision of this Act, make bye-laws to provide for all or any <sup>laws.</sup> of the following matters, namely:—

*A. Bye-laws relating to taxation*

(1) the maintenance of tax books and registers by the  
10 Commissioner and the particulars which such books and registers should contain;

(2) the inspection of and the obtaining of copies and extracts from such books and registers and fees, if any, to be charged for the same;

15 (3) the publication of rates of taxes as determined by the Corporation from time to time;

(4) the requisition by the Commissioner of information and returns from persons liable to pay taxes;

(5) the notice to be given to the Commissioner by any  
20 person who becomes the owner or possessor of a vehicle or animal in respect of which any tax is payable under this Act;

(6) the wearing of badge by the driver of any such vehicle and the display of number plate on such vehicle;

25 (7) the submission of returns by persons liable to pay any tax under this Act;

16 of 1908, (8) the collection by the registrar or sub-registrar of Delhi appointed under the Indian Registration Act, 1908, of the additional stamp duty payable to the Corporation under this Act, the periodical payment of such duty to the Corporation and the  
30 maintenance by such registrar or sub-registrar of separate accounts in relation thereto;

(9) any other matter relating to the levy, assessment, collection, refund or remission of taxes under this Act;

*B. Bye-laws relating to water supply, drainage and sewage disposal*

35

(1) the power of the Commissioner to close water works for the supply of water, whether for domestic purposes or not, or for gratuitous use and to prohibit the sale and use of water for the purpose of business;

(2) the connection of supply pipes for conveying to any premises a supply of water from a municipal water works;

(3) the making and renewing connections with municipal water works;

(4) the power of the Commissioner to take charge of private connections;

(5) the power of the Commissioner to alter the position of connections;

(6) the equitable distribution of water supplied to occupiers; 10

(7) the size, material, quality, description and position of the pipes and fittings to be used for the purpose of any connection with or any communication from any municipal water works and the stamping of pipes and fittings and fees for such stamping;

(8) the size, material, quality and description of pipes, 15 cisterns and fittings which are found on an examination under the provisions of this Act to be so defective that they cannot be effectively repaired;

(9) the provision and maintenance of meters when water is supplied by measurement; 20

(10) the prohibition of fraudulent and unauthorised use of water and the prohibition of fraud in connection with meters;

(11) the maintenance of pipes, cisterns and other water works;

(12) the regulation or prohibition of the discharge or 25 deposit of offensive or obstructive matter, polluted water or other polluted and obnoxious matter into sewers;

(13) the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintenance, preservation, cleaning and repairs of drains, ventilation shafts, 30 pipes, latrines, urinals, cess pools and other drainage works;

(14) the cleansing of drains;

(15) the prohibition of erection of buildings over drains without the permission of the Commissioner;

(16) the connection of private drains with municipal drains; 35

(17) the location and construction of cess pools;

(18) the covering and ventilation of cess pools;



(19) the period or periods of the day during which trade effluent may be discharged from any trade premises into municipal drains;

5 (20) the exclusion from trade effluent of all condensing water;

10 (21) the elimination from trade effluent, before it enters a municipal drain, of any constituent which in the opinion of the Corporation would, either alone or in combination with any matter with which it is likely to come into contact while passing through municipal drains, injure or obstruct those drains or make specially difficult or expensive the treatment or disposal of the sewage from those drains;

15 (22) the maximum quantity of trade effluent which may, without any consent or permission, be discharged from any trade premises into municipal drains on any one day and the highest rate at which trade effluent may, without such consent or permission, be discharged from any trade premises into municipal drains;

20 (23) the regulation of the temperature of trade effluent at the time of its discharge into municipal drains and the securing of the neutrality of trade effluent (that is to say, that it is neither acid nor alkaline) at the time of such discharge;

25 (24) the charges to be paid to the Corporation by occupiers of trade premises for the reception of trade effluent into municipal drains and disposal thereof;

(25) the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take at any time samples of what is passing into municipal drains from trade premises;

30 (26) the provision and maintenance of such meters as may be required to measure the volume of any trade effluent being discharged from any trade premises into municipal drains, and the testing of such meters;

#### *C. Bye-laws relating to electric supply*

35 all matters relating to the conduct and management of the the Delhi Electric Supply Undertaking;

#### *D. Bye-laws relating to transport services*

40 (1) the issue of passes to the employees employed in connection with the affairs of the Delhi Transport Undertaking and the conditions subject to which such passes may be issued;

(2) the grant of refund in respect of unused tickets and concessional passes;

(3) the disposal of unclaimed articles and property and the period after the expiration of which such unclaimed articles and property may be sold by public auction or otherwise; 5

(4) the regulation of the carriage of passengers and goods in the road transport services of the undertaking including the levy and collection of fares and charges for such carriage;

(5) any other matter relating to the conduct and management of the Delhi Transport Undertaking; 10

#### *E. Bye-laws relating to streets*

(1) the closure of streets when any work is in progress and alternative passage during the progress of such work;

(2) the erections of a temporary nature during festivals;

(3) the setting up of hoards on buildings adjacent to streets 15 during their construction or repair;

(4) the precautions to be taken when permission is granted to any private individual for opening or breaking up any public street and the fees to be paid for the restoration of a street in its original condition; 20

(5) the permission, regulation or prohibition of use or occupation of any street or place by itinerant vendors or hawkers or by any person for the sale of articles or the exercise of any calling or the setting up of any booth or stall and the fees chargeable for such occupation; 25

(6) any other matter in connection with the construction, repair, maintenance, naming, numbering and lighting of streets for which provision is necessary or should be made;

#### *F. Bye-laws relating to buildings*

(1) the regulation or restriction of the use of sites for 30 buildings for different areas;

(2) the regulation or restriction of buildings in different areas;

(3) the form of notice of erection of any building or execution of any work and the fee in respect of the same; 35

(4) the plans and documents to be submitted together with such notice and the information and further information to be furnished;

(5) the level and width of foundation, level of lowest floor and stability of structure;

(6) the construction of buildings and the materials to be used in the construction of buildings;

5 (7) the height of buildings whether absolute or relative to the width of streets or to different areas;

(8) the number and height of storeys composing a building and the height of rooms and the dimensions of rooms intended for human habitation;

10 (9) the provision of open spaces, external and internal, and adequate means of light and ventilation;

(10) the provision of means of egress in case of fire, fire-escapes and water lifting devices;

15 (11) the provision of secondary means of access for the removal of house refuse;

(12) the materials and methods of construction of external and party walls, roofs and floors;

20 (13) the position, materials and methods of construction of hearths, smoke-escapes, chimneys, stair-cases, latrines, drains and cesspools;

(14) the provision of lifts;

(15) the paving of yards;

(16) the restrictions on the use of inflammable materials in buildings;

25 (17) the restriction on construction of foundation on certain sites;

(18) the measures to be taken to protect buildings from damp arising from sub-soil;

30 (19) the wells, tanks and cisterns and pumps for the supply of water for human consumption in connection with buildings;

35 (20) in the case of wells, the dimensions of the well, the manner of enclosing it and if the well is intended for drinking purposes the means which shall be used to prevent pollution of the water;

(21) the supervision of buildings;

(22) the setting back of garages and shops from the regular line of a street;

40 (23) the construction of portable structures and permission for such construction;

*G. Bye-laws relating to sanitation and public health*

- (1) the position of latrines and urinals;
- (2) the provision of air spaces between latrines and buildings or places used for various purposes;
- (3) the white-washing of buildings; 5
- (4) the provision of living accommodation for sweepers in buildings newly erected requiring ten or more latrines;
- (5) the regulation or prohibition of the stabling or herding of animals or any class of animals so as to prevent danger to public health; 10
- (6) the seizure of ownerless animals straying within the limits of Delhi and the regulation and control of pounds;
- (7) the fixing and regulation of the use of public bathing and washing places;
- (8) the prevention of the spread of dangerous diseases; 15
- (9) the segregation in or the removal or exclusion from any part of Delhi or the destruction of animals suffering or reasonably suspected to be suffering from any infectious or contagious disease;
- (10) the supervision, regulation, conservation and protection from injury, contamination or trespass, of sources and means of public water supply and of appliances for the distribution of water; 20
- (11) the enforcement of compulsory vaccination;
- (12) the proper disposal of corpses, the regulation and management of burning and burial places and other places for the disposal of corpses and the fees chargeable for the use of such places where the same are provided or maintained at the expense of the Municipal Fund; 25

*H. Bye-laws relating to vital statistics* 30

- (1) the prescribing of qualifications of persons to be appointed as registrars under Chapter XVIII;
- (2) the registration of births, deaths and marriages and the taking of a census;

*I. Bye-laws relating to public safety and suppression of nuisances* 35

the regulation or prohibition for the purpose of sanitation or the prevention of disease or the promotion of public safety or convenience, of any act which occasions or is likely to occa-

sion a nuisance and for the regulation or prohibition of which no provision is made elsewhere by this Act;

*J. Bye-laws relating to markets, slaughter houses, trades and occupations*

5           (1) the days on, and the hours during which any market or slaughter house may be kept open for use;

          (2) the regulation of the design, ventilation and drainage of markets and slaughter houses and the materials to be used in the construction thereof;

10           (3) the keeping of markets and slaughter houses and the lands and buildings appertaining thereto in a clean and sanitary condition, the removal of filth, rubbish and other polluted and obnoxious matter therefrom and the supply therein of pure water and of a sufficient number of latrines and urinals for the  
15           use of persons using or frequenting the same;

          (4) the manner in which animals shall be admitted in a slaughter house;

          (5) the manner in which animals may be slaughtered;

20           (6) the provision of passages of sufficient width between the stalls in market buildings and market places for the convenient use of the public and the prevention of encroachment of such passages;

          (7) the setting apart of separate areas for different classes of articles in market buildings and market places;

25           (8) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption;

          (9) the destruction of carcasses which from any disease or any other cause are found after slaughter to be unfit for human  
30           consumption;

          (10) the regulation of the entry of animals into slaughter house and the bringing out of the carcasses of such animals after slaughter and the fee to be paid for use of slaughter houses;

35           (11) the proper custody and care of animals for the keeping of which licences are granted under section 417;

          (12) the regulation of the import of animals and flesh within Delhi;

40           (13) the rendering necessary of licences for the use of premises within Delhi as stables or cow-houses or as an accommodation for sheep, goat or buffalo, and the fees payable for

such licences and the conditions subject to which such licences may be granted, refused, suspended or revoked;

(14) the regulation of *sarais*, hotels, *dak bungalows*, lodging houses, boarding houses, buildings, let-in-tenements, residential clubs, restaurants, eating houses, cafes, refreshment rooms and places of public recreation, entertainment or resort;

(15) the control and supervision of places where dangerous or offensive trades are carried on so as to secure cleanliness therein or to minimise injurious, offensive or dangerous effects arising or likely to arise therefrom;

(16) the regulation of the posting of bills and advertisements and of the position, size, shade or style of the name boards, sign-boards and sign-posts;

(17) the fixation of a method for the sale of articles whether by measure, weight, piece or any other method;

(18) the procedure regarding the grant of permit to establish a factory, workshop or trade premises;

(19) the regulation of smoke in factories, workshops and trade premises;

(20) the regulation of sanitary conditions in factories, workshops, and trade premises;

(21) the regulation of the use in any factory, workshop or trade premises of whistle, trumpet, siren, or horn worked by steam, compressed air, electricity or other mechanical means;

(22) the prevention of nuisance in any market building, market place, slaughter house or any factory, workshop or trade premises;

#### *K. Bye-laws relating to improvement*

(1) the form and content of an improvement scheme or a rehousing scheme;

(2) the procedure to be followed in connection with the framing, submission, approval and sanction of such schemes;

(3) the local inquiries and other hearings that may be held before a scheme is framed, approved or sanctioned;

(4) the alteration of an improvement scheme or a rehousing scheme after approval and sanction;

#### *L. Bye-laws relating to miscellaneous matters*

(1) the prevention and extinction of fire;

(2) the circumstances and the manner in which owners of land or building in Delhi temporarily absent therefrom or not

resident therein may be required to appoint as their agents for all or any of the purposes of this Act or of any bye-laws made thereunder, persons residing within or near Delhi;

5 (3) the maintenance of schools and the furtherance of education generally;

(4) the regulation and control of municipal hospitals and dispensaries;

(5) the rendering necessary of licences—

10 (a) for the proprietors or drivers of hackney-carriages, cycle-rikshaws, *thelas* and *rehries* kept or plying for hire or used for hawking articles;

(b) for persons working as job-porters for the conveyance of goods;

15 (6) any other matter which is to be or may be prescribed by bye-laws made under this Act or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Corporation, necessary for the efficient municipal government of Delhi.

20 (2) Any bye-law which may be made under sub-section (1) may be made by the Central Government within one year of the establishment of the Corporation; and any bye-law so made may be altered or rescinded by the Corporation in the exercise of its powers under sub-section (1).

25 482. (1) Any bye-law made under this Act may provide that a contravention thereof shall be punishable—

Penalty for  
breaches of  
bye-laws.

(a) with fine which may extend to five hundred rupees; or

30 (b) with fine which may extend to five hundred rupees and in the case of a continuing contravention, with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention; or

35 (c) with fine which may extend to twenty rupees for every day during which the contravention continues, after the receipt of a notice from the Commissioner or any municipal officer duly authorised in that behalf, by the person contravening the bye-law requiring such person to discontinue such contravention:

40 Provided that a contravention of any bye-law relating to the road transport services may be punishable with imprisonment which may extend to three months, or with fine which may extend to fifteen hundred rupees, or with both.

(2) Any such bye-law may also provide that a person contravening the same shall be required to remedy so far as lies in his power, the mischief, if any, caused by such contravention.

Supple-  
mental  
provisions  
respecting  
bye-laws.

483. (1) Any power to make bye-laws conferred by this Act is conferred subject to the conditions of the bye-laws being made after 5 previous publication and in the case of such bye-laws being made by the Corporation of their not taking effect until they have been approved by the Central Government and published in the Official Gazette.

(2) The Central Government in approving a bye-law may make 10 any change therein which appears to it to be necessary.

(3) The Central Government may, after previous publication of its intention cancel any bye-law which it has approved, and thereupon the bye-law shall cease to have effect.

Bye-laws to  
be available  
for inspec-  
tion and  
purchase.

484. (1) A copy of all bye-laws made under this Act shall be 15 kept at the municipal office and shall, during office hours, be open free of charge to inspection by any inhabitant of Delhi.

(2) Copies of all such bye-laws shall be kept at the municipal office and shall be sold to the public at cost price either singly or in collections at the option of the purchaser. 20

## CHAPTER XXIV

### CONTROL

Cover of  
General  
Government  
to require  
production  
of docu-  
ments,

485. The Central Government may at any time require the Commissioner—

(a) to produce any record, correspondence, plan or other 25 document in his possession or under his control;

(b) to furnish any return, plan, estimate, statement, account or statistics relating to the proceedings, duties or works of the Corporation or any of the municipal authorities;

(c) to furnish or obtain and furnish any report. 30

Inspection.

486. The Central Government may depute any person in the service of Government to inspect or examine any municipal department or office or any service or work undertaken by the Corporation or any of the municipal authorities or any property belonging to the Corporation and to report thereon and the Corporation and every 35 municipal authority and all municipal officers and other municipal employees shall be bound to afford the person so deputed access at all reasonable times to the premises and properties of the Corporation and to all records, accounts and other documents the inspection



of which he may consider necessary to enable him to discharge his duties.

487. (1) If, whether on receipt of any information or report obtained under section 485 or section 486 or otherwise, the Central Government is of opinion—

Directions  
by Central  
Government.

- (a) that any duty imposed on the Corporation or any municipal authority by or under this Act has not been performed or has been performed in an imperfect, insufficient or unsuitable manner, or
- (b) that adequate financial provision has not been made for the performance of any such duty, it may direct the Corporation or the municipal authority concerned, within such period as it thinks fit, to make arrangements to its satisfaction for the proper performance of the duty, or, as the case may be, to make financial provision to its satisfaction for the performance of the duty and the Corporation or the municipal authority concerned shall comply with such direction:

Provided that, unless in the opinion of the Central Government the immediate execution of such order is necessary, it shall before making any direction under this section give the Corporation or the municipal authority concerned an opportunity of showing cause why such direction should not be made.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Central Government may at any time issue to the municipal authorities concerned directions in relation to the management of the Delhi Electric Supply Undertaking or the Delhi Transport Undertaking or the Delhi Water Supply and Sewage Disposal Undertaking or in relation to any question of policy concerning any such Undertaking; and the municipal authorities concerned shall comply with such directions.

(3) In case of any difference of opinion as to what is a question of policy the decision of the Central Government shall be final.

488. If, within the period fixed by a direction made under sub-section (1) of section 487, any action the taking of which has been directed under that sub-section has not been duly taken, the Central Government may make arrangements for the taking of such action and may direct that all expenses connected therewith shall be defrayed out of the Municipal Fund.

Power to  
provide for  
enforcement  
of direction  
under sec-  
tion 487.

489. (1) The Central Government may give the Corporation all such directions as it considers necessary in respect of subjects, curricula, text books, standards and methods of teaching in primary schools vested in the Corporation or maintained wholly or partly by grants paid out of the Municipal Fund and in respect of such

Power of  
Central  
Government  
to give  
directions in  
relation to  
primary  
schools, etc.

other matters as that Government considers necessary and the Corporation shall comply with all such directions.

(2) It shall be lawful for any officer appointed by the Central Government in this behalf to inspect any such school; and all reasonable facilities shall be given to such officer in connection with the inspection. 5

(3) The Central Government, after considering the report of inspection made by such officer, may give the Corporation such directions as it considers necessary and the Corporation shall comply with such directions. 10

Supersession  
of the Cor-  
poration.

490. (1) If, in the opinion of the Central Government, the Corporation is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act or any other law or exceeds or abuses its powers the Central Government may by an order published, together with the statement of the reasons therefor, in the Official Gazette, declare the Corporation to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for such period as may be specified in the order: 15

Provided that before making an order of supersession as aforesaid reasonable opportunity shall be given to the Corporation to show cause why such order of supersession should not be made. 20

(2) When the Corporation is superseded by an order under subsection (1),—

(a) all councillors shall, on such date as may be specified in the order, vacate their offices as such councillors without prejudice to their eligibility for election under clause (d); 25

(b) during the supersession of the Corporation, all powers and duties conferred and imposed upon the Corporation by or under this Act or any other law shall be exercised and performed by such officer or authority as the Central Government may appoint in that behalf; 30

(c) all property vested in the Corporation shall, until it is reconstituted, vest in the Central Government;

(d) as soon as may be after the supersession of the Corporation, election shall be held for the purpose of reconstituting the Corporation. 35

## CHAPTER XXV

### MISCELLANEOUS

Power to  
delegate  
functions of  
Commissioner.

491. The Commissioner may by order direct that any power conferred or any duty imposed on him by or under this Act shall, in such circumstances and under such conditions, if any, as may be 40

specified in the order, be exercised and performed also by any municipal officer or other municipal employee specified in the order.

492. No notice, order, requisition, licence, permission in writing or any other document issued under this Act shall be invalid merely by reason of defect of form.

Validity of notices and other documents.

493. A copy of any receipt, application, plan, notice, order or other document or of any entry in a register in the possession of any municipal authority shall, if duly certified by the legal keeper thereof or other person authorised by the Commissioner in this behalf, be admissible in evidence of the existence of the document or entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters and transactions.

Admissibility of document or entry as evidence.

494. No municipal officer or other municipal employee shall, in any legal proceedings to which the Corporation is not a party, be required to produce any register or document the contents of which can be proved under section 493 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the court made for special cause.

Evidence of municipal officer or employee.

495. No person shall obstruct or molest the Corporation or any municipal authority, the Mayor or the Deputy Mayor, any councillor or any person employed by the Corporation or any person with whom the Commissioner has entered into a contract on behalf of the Corporation, in the performance of their duty or of anything which they are empowered or required to do by virtue or in consequence of any provision of this Act or of any rule, regulation or bye-law made thereunder.

Prohibition against obstruction of Mayor or any municipal authority, etc.

496. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or of any rule or bye-law made thereunder.

Prohibition against removal of mark.

497. No person shall, without authority in that behalf, remove, destroy, deface or otherwise obliterate any notice exhibited by or under orders of the Corporation or any municipal authority or any municipal officer or other municipal employee specified by the Commissioner in this behalf.

Prohibition against removal or obliteration of notice.

498. No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment from, in, or on any land vested in the Corporation or in any way obstruct the same.

Prohibition against unauthorised dealings with public place or materials.

Liability of Commissioner, etc., for loss, waste or mis-application of Municipal Fund or property.

499. (1) Every councillor, the Commissioner, the General Manager (Electricity), the General Manager (Transport) and every municipal officer and other municipal employee shall be liable for the loss, waste or mis-application of any money or other property owned by or vested in the Corporation, if such loss, waste or mis-application is a direct consequence of his neglect or mis-conduct and a suit for compensation may be instituted against him by the Corporation with the previous sanction of the Central Government or by the Central Government.

(2) Every such suit shall be instituted within three years after the date on which the cause of action arose.

Councillors and municipal officers and employees to be public servants.

500. Every councillor, the Commissioner, the General Manager (Electricity), the General Manager (Transport) and every municipal officer and other municipal employee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, and in the definition of "legal remuneration" in section 161 of that Code the word "Government" shall, for the purpose of this section, be deemed to include the Corporation.

Annual administration report.

501. (1) As soon as may be after the 1st day of April in every year and not later than such date as may be fixed by the Central Government in this behalf, the Corporation shall submit to that Government a detailed report of the municipal government of Delhi during the preceding year in such form as that Government may direct.

(2) The Commissioner shall prepare such report and the Corporation shall consider it and forward the same to the Central Government with its resolution thereon, if any.

(3) Copies of the report shall be kept for sale at the municipal office.

Other laws not to be disregarded.

502. Save as provided in this Act, nothing contained in this Act shall be construed as authorising the disregard by the Corporation or any municipal authority or any municipal officer or other municipal employee of any law for the time being in force.

Exemption of diplomatic or consular missions from payment of tax, etc.

503. The Central Government may, by order in the Official Gazette, exempt from the payment of any tax, rate, fee or other charge payable under the provisions of this Act, any diplomatic or consular mission of a foreign state or the High Commission or a Commonwealth country and any official of such mission or High Commission.

504. (1) Save as expressly provided in this Act and unless the context otherwise requires,—

Construction  
of refer-  
ences.

(a) any reference in this Act to the Commissioner and the Standing Committee shall be construed—

5 (i) in relation to any matter pertaining to the Delhi Electric Supply Undertaking, as a reference respectively to the General Manager (Electricity) and the Delhi Electric Supply Committee;

10 (ii) in relation to any matter pertaining to the Delhi Transport Undertaking, as a reference respectively to the General Manager (Transport) and the Delhi Transport Committee; and

15 (b) any reference in this Act to the Standing Committee shall be construed in relation to any matter pertaining to the Delhi Water Supply and Sewage Disposal Undertaking, as a reference to the Delhi Water Supply and Sewage Disposal Committee.

20 (2) After the establishment of the Corporation any reference in any enactment, rule, bye-law, order, scheme, notification or other instrument having the force of law, to any of the bodies or local authorities specified in the Second Schedule shall, unless the context or subject otherwise requires, be construed as a reference to the Corporation.

505. In the Delhi Panchayat Raj Act, 1954,—

Amendment  
of Delhi Act  
3 of 1955.

25 (a) in section 1, for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) It extends only to the rural areas of the Union territory of Delhi except—

30 (a) such areas thereof as are included in any estate owned by the Central Government or any local authority; and

35 (b) such other areas thereof as are held and occupied for a public purpose or a work of public utility and declared as such under section 1 of the Delhi Land Reforms Act, 1954, by the Chief Commissioner, or acquired under the Land Acquisition Act, 1894, or any other enactment relating to acquisition of land for a public purpose.

VIII of 1954.  
1 of 1894.

40 *Explanation.*—In this sub-section the expression “rural areas” has the meaning assigned to it in the Delhi Municipal Corporation Act, 1957.”;

(b) in section 2, clause (8) shall be omitted;

(c) in section 18, clauses (d), (e), (f), (l), (n), (o) and (t) shall be omitted;

(d) in section 19, for clause (o), the following clause shall be substituted, namely :—

“(o) regulating the use of manure and fertilisers;”;

(e) sections 21, 22 and 23 shall be omitted;

(f) in section 34, the figures and word “23 or” shall be omitted;

(g) in section 39,—

(i) in sub-section (1), clauses (iii) and (iv) shall be omitted; and

(ii) sub-section (3) shall be omitted;

(h) in section 45, under heading “A. Obligatory”,—

(i) in clause 1, the word “hospitals” shall be omitted: and

(ii) in clause 4, for the words and figures “sections 23 and”, the word “section” shall be substituted;

(i) in section 54, the figures “21, 22, 23” shall be omitted;

(j) in section 102, in sub-section (2), clause (ix), the words “and dispensaries” in clause (x) and clauses (xi) and (xxvi) shall be omitted;

(k) in section 104, in sub-section (1), clauses (a), (b) and (d) shall be omitted.

Amendment  
of Act  
43 of 1950.

506. In the Representation of the People Act, 1950,—

(a) in section 27A—

(i) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The electoral college for the Union territory of Delhi shall consist of—

(a) the councillors of the Delhi Municipal Corporation; and

(b) ten persons to represent the areas within the New Delhi Municipal Committee and the Delhi Cantonment Board, to be chosen by direct election on the basis of adult suffrage in accordance with rules made by the Central Government in this behalf;”;

(ii) in sub-section (4), the words “of that Act” shall be added at the end;

(b) in the Fifth Schedule, in the second column for the figures "48", the figures "90" shall be substituted.

507. Notwithstanding anything contained in the foregoing provisions of this Act,—

Special provisions as to rural areas.

5 (a) the Corporation with the previous approval of the Central Government, may, by notification in the Official Gazette, declare that any portion of the rural areas shall cease to be included therein and upon the issue of such notification that portion shall be included in and form part of the urban areas;

10 (b) the Corporation with the previous approval of the Central Government may, by notification in the Official Gazette,—

(i) exempt the rural areas or any portion thereof from such of the provisions of this Act as it deems fit,

15 (ii) levy taxes, rates, fees and other charges in the rural areas or any portion thereof at rates lower than those at which such taxes, rates, fees and other charges are levied in the urban areas or exempt such areas or portion from any such tax, rate, fee or other charge;

20 (c) the Corporation shall pay to a Gaon Sabha an amount equal to the proceeds of—

(i) the tax on professions, trades, callings and employments, as and when that tax is levied in the Gaon Sabha area; and

25 (ii) the general tax on lands and buildings in that area, after deducting the cost of collection from such proceeds.

508. (1) In administering the provisions of this Act within the Red Fort Area the Corporation shall comply with the military rules and regulations for the time being in force within that area.

Special provisions as to Red Fort Area.

30 (2) In this section the expression "Red Fort Area" means the Red Fort and such areas contiguous thereto as may be declared by the Central Government by notification in the Gazette of India to be included within the Red Fort Area.

## CHAPTER XXVI

### SUPPLEMENTAL AND TRANSITIONAL PROVISIONS

35 509. (1) Notwithstanding anything contained in section 59 or in section 88 or section 91, the first appointment to the post of the General Manager (Electricity) or the General Manager (Transport) or the first appointment to the post of any municipal officer or other

Power of Central Government to make first appointments.

municipal employee may be made by the Central Government so however that the term of any such appointment shall not in any case exceed three years:

Provided that the power under this sub-section shall not be exercised after the expiry of three years from the commencement of this Act.

(2) Notwithstanding anything contained in section 95, in making any appointment of any municipal officer or other municipal employee under sub-section (1) it shall not be necessary for the Central Government to consult the Union Public Service Commission. 10

(3) Every person appointed under sub-section (1) shall receive such salary and allowances as the Central Government may determine.

Provisions as to employees of bodies and local authorities whose functions are taken over by the Corporation.

510. (1) Every officer and other employee of each of the bodies and local authorities specified in the Second Schedule shall, on and 15 from the establishment of the Corporation, be transferred to and become an officer or other employee of the Corporation with such designation as the Commissioner may determine and shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if 20 the Corporation had not been established, and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Corporation:

Provided that any service rendered by any such officer or other employee before the establishment of the Corporation shall be 25 deemed to be service rendered under the Corporation.

(2) The Commissioner may employ any officer or other employee transferred to the Corporation under sub-section (1) in the discharge of such functions under this Act as the Commissioner may think proper and every such officer or other employee shall discharge 30 those functions accordingly.

Special provisions as to the area transferred from New Delhi to Delhi.

511. (1) In this section "transferred area" means that area of Delhi which immediately before the commencement of this Act is included within the local limits of the New Delhi Municipal Committee but as from such commencement is included in and forms 35 part of Delhi by virtue of the provisions of this Act.

(2) As from the establishment of the Corporation,—

(a) all lands and buildings (together with all interests of whatsoever nature and kinds therein) situated in the transferred area and vested in the New Delhi Municipal Committee 40



immediately before such establishment shall pass to and vest in the Corporation;

5 (b) all stores, articles and other movable properties belonging to the New Delhi Municipal Committee immediately before such establishment and utilised for or in connection with the transferred area shall pass to and vest in the Corporation;

10 (c) all appointments, notifications, orders, schemes, rules, forms, notices or bye-laws made or issued or any licence or permission granted by the New Delhi Municipal Committee immediately before such establishment in or in connection with the transferred area shall, in so far as they are not inconsistent with the provisions of this Act continue in force and be deemed to have been made, issued or granted under the provisions of this Act unless and until they are superseded by any appointment, 15 notification, order, scheme, rule, form, notice or bye-law made or issued or any licence or permission granted under the said provisions;

20 (d) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the New Delhi Municipal Committee immediately before such establishment for or in connection with the transferred area shall be deemed to have been incurred, entered into, engaged to be done by, with or for the Corporation or the municipal authority concerned;

25 (e) all assessments, valuations, measurements or divisions made by the New Delhi Municipal Committee immediately before such establishment in or in connection with the transferred area shall in so far as they are not inconsistent with the provisions of this Act, continue in force and be deemed to have 30 been made under the provisions of this Act unless and until they are superseded by any assessment, valuation, measurement or division made by the Corporation or the municipal authority concerned under the said provisions;

35 (f) all rates, taxes, fees, rents and other sums of money due to the New Delhi Municipal Committee immediately before such establishment shall be deemed to be due to the Corporation;

(g) all rates, taxes, fees, rents and other charges shall unless and until they are varied by the Corporation, continue to be levied at the same rate at which they were being levied by the New Delhi Municipal Committee immediately before such 40 establishment;

(h) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the New Delhi Municipal Committee immediately before such establishment for any matter in relation to the transferred area may be continued or instituted by or against the Corporation; 5

(i) every officer and other employee serving under the New Delhi Municipal Committee immediately before such establishment in connection with the transferred area shall be transferred to and become an officer or other employee of the Corporation with such designation as the Commissioner may 10 determine and hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as he would have held the same if the Corporation had not been established and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered 15 by the Corporation:

Provided that any service rendered by any such officer or other employee before the establishment of the Corporation shall be deemed to be service rendered under the Corporation:

Provided further that the Commissioner may employ any such 20 officer or other employee in the discharge of such functions under this Act as the Commissioner may think proper and every such officer or other employee shall discharge those functions accordingly.

(3) As soon as may be after the commencement of this Act, the Central Government shall decide— 25

(a) which stores, articles and other movable properties referred to in clause (b) of sub-section (2) have been utilised by the New Delhi Municipal Committee for or in connection with the transferred area;

(b) which debts, obligations, liabilities, contracts, matters 30 and things referred to in clause (d) of the said sub-section have been incurred, entered into or engaged to be done by, with or for the New Delhi Municipal Committee for or in connection with the transferred area;

(c) which officers and other employees referred to in clause 35 (i) of that sub-section served under the said Committee in connection with the transferred area.

(4) In case of any dispute in relation to any of the matters referred to in the various clauses of sub-section (2) other than clauses (b), (d) and (i), the dispute may be referred to the Central Government by the Corporation or the New Delhi Municipal Com 40 mittee and the decision of that Government shall be final.

**512.** (1) Any expenditure incurred during the period between the commencement of this Act and the establishment of the Corporation under any of the provisions of this Act shall be borne by the Central Government and the amount of the expenditure so incurred shall on such establishment be recoverable by that Government out of the Municipal Fund.

Expenditure in connection with the municipal affairs from the commencement of this Act to the adoption of the budget by the Corporation.

(2) If in respect of the period between the establishment of the Corporation and the adoption of the first budget by the Corporation further expenditure from the Municipal Fund becomes necessary over and above the expenditure theretofore authorised for that year by the sanctioned budget estimates of the various bodies and local authorities specified in the Second Schedule, the Corporation shall adopt a supplementary statement showing the estimated amount of that expenditure.

(3) Every item of expenditure shown in the supplementary statement as adopted by the Corporation shall be deemed to be expenditure covered by a current budget-grant within the meaning of section 101.

(4) The supplementary statement shall be prepared, presented and adopted in such manner and shall provide for such matters as may be determined by the Corporation.

**513.** Notwithstanding anything contained in the Punjab Municipal Act, 1911, as applicable to New Delhi Municipality or in any notification issued thereunder, the limits of that Municipality shall be as described in the First Schedule.

Limits of New Delhi Municipality.

**514.** If any difficulty arises in relation to the transition from the provisions of any of the enactments referred to in section 515, or in giving effect to the provisions of this Act, the Central Government may, by order as occasion requires, do anything which appears to it to be necessary for the purpose of removing the difficulty:

Power to remove difficulties

Provided that no such order shall be made after the expiration of two years from the establishment of the Corporation.

**515.** (1) As from the date of the establishment of the Corporation,—

Repeal, etc. and savings

13 of 1926. 35

13 of 1950.

(a) the Delhi Joint Water and Sewage Board Act, 1926, and the Delhi Road Transport Authority Act, 1950, shall stand repealed; and

(b) the enactments specified in the Thirteenth Schedule shall cease to have effect within Delhi.

(2) Notwithstanding the provisions of sub-section (1) of this section or of clause (a) of sub-section (2) of section 285,—

(a) any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued, and any licence or permission granted under any of the Acts or enactments referred to in that sub-section and in force immediately before the establishment of the Corporation, shall, in so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made, issued or granted under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued or any licence or permission granted under the said provisions; 5 10

(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for any of the bodies or local authorities specified in the Second Schedule before such establishment shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Corporation or the municipal authority concerned; 15 20

(c) all budget estimates, assessments, valuations, measurements or divisions made by any of the aforesaid bodies or local authorities shall in so far as they are not inconsistent with the provisions of this Act, continue in force and be deemed to have been made under the provisions of this Act unless and until they are superseded by any budget estimate, assessment, valuation, measurement or division made by the Corporation or the municipal authority concerned under the said provisions; 25

(d) all properties, movable and immovable and all interests of whatsoever nature and kinds therein, vested in any of the aforesaid bodies and local authorities immediately before such establishment shall, with all rights of whatsoever description, used, enjoyed or possessed by any such body or authority shall vest in the Corporation; 30

(e) all rates, taxes, fees, rents and other sums of money due to any of the aforesaid bodies or local authorities immediately before such establishment shall be deemed to be due to the Corporation; 35

(f) all rates, taxes, fees, rents, fares and other charges shall until and unless they are varied by the Corporation continue to be levied at the same rate at which they were being levied by 40

the aforesaid bodies or local authorities immediately before such establishment;

- 5 (g) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against any of the aforesaid bodies or local authorities may be continued or ~~instituted~~ by or against the Corporation.

## THE FIRST SCHEDULE

[See section 2 (32)]

## BOUNDARIES OF NEW DELHI

The area bounded by—

the junction of the Pusa Road and Upper Ridge Road towards 5  
 east along the new Link Road, the Panchkuin Road up to its junction  
 with the Old Gurgaon Road; thence towards north-east along the old  
 Gurgaon Road and Chelmsford Road up to the New Delhi Railway  
 Station; thence towards south and south-east along the railway line  
 upto its junction with the Hardinge Bridge; thence towards south along 10  
 the Mathura Road up to its junction with Lodi Road; thence towards  
 south along the Lodi Road up to its junction with the first road leading  
 to Lodi Colony; thence towards south along the first road leading to  
 Lodi Colony up to its junction with the ring railway; thence towards  
 west along the railway line up to its junction with the Qutab Road, 15  
 thence towards south along the Qutab Road up to its junction with  
 Kaushak Nulla; thence towards east along the Kaushak Nulla up to  
 its junction with the boundary of the New Delhi Municipality; thence  
 towards south and thence towards west along the boundary of the New  
 Delhi Municipality and along the south boundary of the Medical En- 20  
 clave up to its junction with the Ring Road near Gwalior Potteries;  
 thence towards north-west along the Ring Road up to its junction with  
 Kitchner Road; thence towards north along the Upper Ridge Road  
 up to the starting point

## THE SECOND SCHEDULE

25

[See sections 98, 504, 510 and 515]

BODIES AND LOCAL AUTHORITIES WHOSE FUNCTIONS ARE TAKEN OVER BY  
THE CORPORATION

1. The Municipal Committee, Delhi.
2. The Notified Area Committee, Civil Station. 30
3. The Notified Area Committee, Red Fort.
4. The Municipal Committee, Delhi-Shahdara.
5. The Municipal Committee, West Delhi.
6. The Municipal Committee, South Delhi.
7. The Notified Area Committee, Mehrauli. 35
8. The Notified Area Committee, Najafgarh.
9. The Notified Area Committee, Narela.
10. The District Board, Delhi.
11. The Delhi State Electricity Board.
12. The Delhi Road Transport Authority. 40
13. The Delhi Joint Water and Sewage Board

## THE THIRD SCHEDULE

(See section 135)

## RATES OF TAXES LEVIABLE ON VEHICLES AND ANIMALS

5		Maximum amount of tax per annum	
		For vehicles with pneumatic tyres Rs.	For vehicles without pneumatic tyres Rs.
10			
	1. Each four-wheeled vehicle drawn by camels, horses, ponies, mules, donkeys, bullocks or buffaloes—		
	(a) Labour carts . . . . .	8	32
	(b) Other vehicles in this class .	32	48
	2. Each two-wheeled vehicle drawn by camels, horses, ponies, mules, donkeys, bullocks or buffaloes—		
	(a) Labour carts . . . . .	8	24
	(b) Other vehicles in this class .	16	24
	3. Each vehicle drawn or impelled otherwise than by camels, horses, ponies, mules, donkeys, bullocks, buffaloes or machinery . . . . .	8	12
25		Maximum amount of tax per annum	
	4. Each cycle rikshaw . . . . .	8	
	5. Each bicycle . . . . .	4	
	6. Each camel . . . . .	20	
30	7. Each horse, pony or mule of a height of 12 hands or upwards .	20	
	8. Each horse, pony or mule of a height of less than 12 hands .	10	
	9. Each bullock or buffalo kept for draught or pack purposes .	8	
35	10. Each donkey/ass kept for draught or pack purposes or for riding .	8	
	11. Each pig . . . . .	8	
	12. Each dog . . . . .	5	
	13. Each she-buffalo kept for milking .	60	
40	14. Each cow kept for milking . . .	36	

## THE FOURTH SCHEDULE

(See section 139)

## THEATRE-TAX

Type of entertainment	Maximum amount of tax	
1. Class I cinema theatre . . . . .	Rs. 10 per show.	5
2. Class II cinema theatre . . . . .	Rs. 7 per show.	
3. Drama, concert, variety entertainmen or tamasha . . . . .	Rs. 7 per show.	
4. Circus, carnival or fete . . . . .	Rs. 10 per day.	10
5. Any other entertainment . . . . .	Rs. 7 per show or if there are no separate shows Rs. 7 per day.	

*Explanation.*—For the purposes of this Schedule, class I cinema theatre means a theatre where usually films run for the first time in Delhi are shown, and class II cinema theatre means any other cinema theatre.

If any question arises whether any cinema theatre belongs to class I or class II, it shall be referred to the Commissioner who after making such inquiry as he may deem proper shall decide the question. The decision of the Commissioner shall be final.

## THE FIFTH SCHEDULE

(See section 141)

## TAX ON ADVERTISEMENTS OTHER THAN ADVERTISEMENTS PUBLISHED IN THE NEWSPAPERS

S. No.	Particulars	Maximum amount of tax per annum	
		Rs.	
1	Non-illuminated advertisements on land, building, wall, hoardings, frame, post, structures, etc.—		30
	(a) For a space upto 10 sq. ft. . . . .	18	
	(b) For a space over 10 sq. ft. and up to 25 . . . . .	30	
	(c) For every additional 25 sq. ft. or less . . . . .	30	35



S. No.	Particulars	Maximum amount of tax per annum
		Rs.
5	2 Non-illuminated advertisements carried on vehicles, drawn by bullocks, horses or other animals, human beings, cycle or any other device carried on any vehicle or tramcar—	
	(a) For a space up to 50 sq. ft. . . . .	120
10	(b) For every additional 50 sq. ft. or less . . . . .	120
	3 Illuminated advertisement boards carried on vehicles—	
	(a) For a space up to 50 sq. ft. . . . .	240
15	(b) For every additional 50 sq. ft. or less . . . . .	240
	4 Non-illuminated advertisement boards, carried by sandwich boardmen—	
20	(a) For each board not exceeding 10 sq. ft. . . . .	24
	(b) For each board exceeding 10 sq. ft. and up to 25 sq. ft. . . . .	48
	(c) For each additional 10 sq. ft. in area or less . . . . .	24
25	5 Illuminated advertisement boards carried by sandwich boardmen—	
	(a) For each board not exceeding 10 sq. ft. . . . .	48
	(b) For each board exceeding 10 sq. ft. and up to 25 sq. ft. . . . .	96
30	(c) For each additional 10 sq. ft. in area or less . . . . .	48
	Illuminated advertisements on land, building, wall or hoardings, frame, post, structures, etc.—	
35	(a) For a space up to 2 sq. ft. . . . .	24
	(b) For a space over 2 sq. ft. and up to 5 sq. ft. . . . .	48
	(c) For a space over 5 sq. ft. and up to 25 sq. ft. . . . .	60
40	(d) For every additional 25 sq. ft. or less . . . . .	60

S. No.	Particulars	Maximum amount of tax per annum	
		Rs.	
7	Advertisements exhibited on screens in cinema houses and other public places by means of lantern slides or similar devices—		5
	(a) For a space up to 5 sq. ft.	96	
	(b) For a space over 5 sq. ft. and up to 25 sq. ft.	120	10
	(c) For every additional 25 sq. ft. or less	120	
8	Non-illuminated advertisements suspended across streets—		
	(a) For a space up to 10 sq. ft.	18	15
	(b) For a space over 10 sq. ft. and up to 25 sq. ft.	30	
	(c) For every additional 25 sq. ft. or less	30	
	N. B.—The tax for item 8 will be in addition to the space which will be chargeable according to the scale to be determined by the Commissioner.		20
9	Non-illuminated advertisement hoardings standing blank but bearing the name of the advertiser or with the announcement "To be let" displayed thereon—		25
	(a) For a space up to 10 sq. ft.	9	
	(b) For a space over 10 sq. ft. and up to 25 sq. ft.	15	
	(c) For every additional 25 sq. ft. or less	15	30
10	Permission to auctioneers to put up not more than two boards of reasonable size advertising each auction sale, other than those in the premises where the auction is held, one on a prominent site in the locality and one on Municipal lamp post.	200 (including the rent for exhibiting the board on a municipal lamp post).	35

## THE SIXTH SCHEDULE

(See section 148)

## TAX ON BUILDING APPLICATIONS

S. No.	Area	For the first storey	For the second storey or any subsequent storey	40
		Rs.	Rs. per storey	
1	For a ground area up to 100 sq. yds.	20	40	45
2	For a ground area of more than 100 sq. yds. but not exceeding 250 yds.	60	120	

S. No.	Area	For the first storey	For the second storey or any subsequent storey
		Rs.	Rs. per storey
5	3 For a ground area of more than 250 sq. yds. but not exceeding 500 sq. yds. . . . .	150	300
10	4 For a ground area of more than 500 sq. yds. but not exceeding 1,000 sq. yds. . . . .	300	600
	5 For a ground area of more than 1,000 sq. yds. . . . .	600	1,500

N. B. 1.—For purposes of assessment and calculation of the tax, ground area shall mean the area of the portion which is proposed to be built upon including the internal courtyard.

N. B. 2.—For purposes of the above Schedule, the basement where provided will be regarded as the first storey, the ground floor over the basement as the second storey and so on.

N. B. 3.—In cases where an application is deemed to have been sanctioned under the provisions of section 336 the tax shall become payable in the same manner as in cases where an application is sanctioned.

N. B. 4.—In case an application is rejected 10 per cent. of the tax due shall be retained and the balance shall be refunded to the applicant, under the orders of the Commissioner.

### THE SEVENTH SCHEDULE

25

[See section 153 (1)]

#### NOTICE OF DEMAND

To

residing at

30 Take notice that the Commissioner demands from  
the sum of \_\_\_\_\_ due from  
on account of \_\_\_\_\_ (here  
*describe the property, occupation, circumstance or thing in respect of which the*  
*sum is payable*) leviable under \_\_\_\_\_ for the period  
35 of \_\_\_\_\_ commencing on the \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_, and ending on the \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_, and that if, within thirty days from the  
service of this notice, the said sum is not paid to the Commissioner at  
or sufficient cause for non-payment is not shown to the satisfaction of the  
40 Commissioner a warrant of distress or attachment will be issued for the  
recovery of the same with costs.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

(Signed)

Commissioner,  
Delhi Municipal Corporation.

## THE EIGHTH SCHEDULE

[See section 155 (1)]

## FORM OF WARRANT

(Here insert the name of the officer charged with the execution of the warrant)

WHEREAS A.B. of \_\_\_\_\_ has not 5  
 paid, and has not shown satisfactory cause for the non-payment of, the sum  
 of \_\_\_\_\_ due on  
 account of \_\_\_\_\_ (here describe the liability) for  
 the period of \_\_\_\_\_ commencing on the \_\_\_\_\_ day  
 of \_\_\_\_\_ 19 , and ending with \_\_\_\_\_ 10  
 day of \_\_\_\_\_ 19 , which sum is leviable under \_\_\_\_\_ ;

AND WHEREAS thirty days have elapsed since the service on him of  
 notice of demand for the same ;

THIS is to command you to distrain, the movable  
attach the immovable property 15  
property  
 (described below) of the said A. B. of a value approximately equal to  
 the said sum of Rs. \_\_\_\_\_ subject to the provisions of the Delhi  
 Municipal Corporation Act, 1957, and the bye-laws made thereunder and  
 forthwith to certify to me, together with this warrant, all particulars of the  
 property seized  
attached by you thereunder. 20

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

(Signed)  
 Commissioner,  
 Delhi Municipal Corporation.,

Description of immovable property 25

## THE NINTH SCHEDULE

[See section 156 (2)]

## FORM OF INVENTORY OF PROPERTY DISTRAINED AND NOTICE OF SALE

To

residing at

Take notice that I have this day seized the property specified in the 30  
 inventory annexed hereto, for the value of \_\_\_\_\_ due for the  
 liability\* mentioned in the margin for the period commencing on  
 the \_\_\_\_\_ day of \_\_\_\_\_ 19 ,  
 and ending with the \_\_\_\_\_ day of \_\_\_\_\_ 19 , 35  
 together with Rs. \_\_\_\_\_ due  
 for service of notice of demand, and that unless within seven days from the  
 date of the service of this notice you pay to the Commissioner the said amount,  
 together with the costs of recovery, the said property will be sold by public  
 auction. 40

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

(Signature of officer executing the  
 warrant)

Inventory.

(Here state particular of property seized.)

\*Here describe the  
 liability.

## THE TENTH SCHEDULE

[See section 177 (1)]

## RATES OF TERMINAL TAXES ON GOODS

5	Articles	Terminal tax payable per maund of gross weight except where otherwise stated
		Rs.
	<i>Class I.—Articles of food and drink</i>	
10	1. Refined sugar, <i>i.e.</i> , khand, sugar candy, bura, qand, kachchi khand, ilaichidana, nuqal, batasha, ola, khand-ka-khilona, gindora khand and all kinds of sharbat or shira khand not in bottle.	1.75
15	2. Unrefined sugar, <i>i.e.</i> , gur, shakkar shira, rab, mizan khand, muthia, sonthia, gindora and tiloncha-khand (a sort of unrefined sugar).	0.58
20	3. Ghee including vegetable ghce, and admixtures of ghee also vegetable solidified oil, dripping, marvo, trex, cocogold, purico, crisco and cocogem.	1.75
	4. Butter and cream . . . . .	1.75
	5. Dried fruits and nuts excluding betel-nuts . . . . .	0.29
	6. Betel-nuts . . . . .	0.07
25	7. Provisions (not included in any other class) including oilman's stores, confectionary, jams, pickles, cheese, coffee and essences of fruits.	1.17
30	8. Country sweets made wholly or partly from or coated with sugar (refined or unrefined) fresh meat, fish and eggs.	0.15
35	9. Oranges, apples, locat, peaches (aru), grapes, lichi, melon (kharbooza), lemon (of all kinds), pears (nashpati), plums (alucha), appricot (khubani), banana, pomegranates (anar), sarda, water-melon (tarbuz), custard apple (sharifa) and raspberry.	0.15
	10. Country and foreign liquors . . . . .	1.17
	11. Bhang . . . . .	0.07

Articles	Terminal tax payable per maund of gross weight except where otherwise stated	
	R .	5
12. Betel leaf . . . . .	1·75	
13. Tea (Indian or foreign) . . . . .	0·29	
14. Grain or pulses including parched grains . . . . .	0·04	
15. Flour . . . . .	0·04	
16. Animal fat, tallow and oil of all kinds except oils mentioned in Class III, V and IX.	0·29	10
<i>Class II.—Animals</i>		
1. Oxen, cows, buffaloes and calves (per head).	0·58	
2. Sheep, goats, lambs and kids (per head) . . . . .	0·15	
3. Pigs (per head) . . . . .	0·58	15
<i>Class III.—Articles used for fuel, lighting and washing</i>		
1. Mava oil . . . . .	0·15	
2. Kerosene oil (per gallon) . . . . .	0·02	
3. Diesel oil . . . . .	0·07	20
4. Methylated spirit . . . . .	0·15	
5. All sorts of oil-seeds including cotton seeds . . . . .	0·04	
6. Wax and tallow candles . . . . .	0·04	
7. Chandeliers, globes, lamps, chimneys and all other articles made of glass intended for elec- tric or gas lighting, etc. (except electric bulbs).	0·04	25
8. Chandeliers, globes, lamps, lanterns, electric poles, electric bulbs and all other articles made of metal intended for electric or gas lighting, etc.	0·36	30
9. Potash, ritha, soda, sajji, multani, saltpetre, alum, khari (sitta) salt and other saline sub- stances.	0·04	
10. Soap of all kinds . . . . .	0·04	
11. Carbide . . . . .	0·04	35
12. Fireworks and their component parts . . . . .	0·04	
13. Steam-coal; soft coke and hard coke . . . . .	0·04	

Articles	Terminal tax payable per maund of gross weight except where otherwise stated
5	Rs.
<i>Class IV.—Articles used in the construction of buildings</i>	
10	1. Wood (unmanufactured), <i>i.e.</i> , wood which can be used for building purposes including trunk of trees, bamboos and ballies, but not fire- wood. 0·02
15	2. Wood (manufactured), <i>i.e.</i> , all manufactured wood which can be used for building pur- poses, including karies, planks, sleepers, beams, doors and door frames, etc. 0·07
20	3. Stone for building (except Agra stone as defined in item 4 below, marble and lime stone), bajri, kankar, lime of kankar, coal ashes, reh, surkhi, rori, brick-bats or broken bricks. 0·01
	4. Agra stone, <i>i.e.</i> , stone so named in the market irrespective of its place of origin. 0·04
25	5. Chalk, chalk powder, kharia mitti, lime stone, lime, Harsaru, flooring stone and white and coloured stone chips. 0·04
	6. Dammar, bitumen and asphalt . . . . . 0·04
	7. Cement . . . . . 0·15
	8. Marble and tiles of all kinds (other than those referred in item 9). 0·22
30	9. Tiles of common earth, <i>e.g.</i> , Allahabad tiles (per thousand). 0·58
	10. Marble chips . . . . . 0·04
	11. Asbestos sheets . . . . . 0·11
	12. Whole bricks of all sizes (per thousand) . 0·58
35	13. Paints and colour washes . . . . . 0·15
	14. Peori, ramraj, hiramzi geru and sailkhari . 0·04
	15. Roofing felt, roofing board and canec insulating board. 0·29

Articles	Terminal tax payable per maund of gross weight except where otherwise stated	
<i>Class V.—Drugs, spices and perfumes</i>	Rs.	5
1. All foreign medicines including mineral waters, syrups and medicinal tinctures, soda bicarb and caustic soda (imported in packages or boxes), sulphur in bottles and packets, iron sulphate, barium sulphate, hæmorrhagic septicæmia serum, dextrosol, castor oil in bottles, potash permanganate, glucose, oxygen gas, camphor oil, sugar of milk, medicated coloured and fragrant syrup.	0·44	10
2. All Indian medicines including gulqand, sharbat in bottle, araq, majun, cowries, etc., soda bicarb and caustic soda (imported in bags or drums), Amritanjan, ivory dust, Sudha Sindhu and Bal Sudha, Khansol and Zandu Drakshasava.	0·07	15
3. Hair oil and perfumed oil of all kinds .	0·58	20
4. Spices and wet imli excluding saltpetre .	0·07	
5. Opium . . . . .	0·15	
6. Charas . . . . .	0·15	
<i>Class VI.—Tobacco</i>		25
1. All sorts of foreign tobacco, cigars, cheroots and cigarettes of all kinds.	0·87	
2. Indian tobacco 3rd quality (Kanni) .	0·04	
3. Indian tobacco 1st and 2nd qualities, <i>i.e.</i> , all tobacco not included in Class VI items 1 and 2.	0·15	30
4. Biries and biri leaves . . . . .	0·15	
<i>Class VII.—Piecegoods and textile fabrics</i>		
1. Piecegoods made of cotton, wool or any admixture of these and articles made thereof including thread and yarn, dhoties, saris, dopattas, pagrees, safas, chadras, towels, bedspreads, sheets, blankets, tents, carpets, durries, pillows, razais, laces, edgings, ribbons, handkerchief in bales ( <i>i.e.</i> , not cut up), old clothes imported in bulk, and all such goods as are not made up ready for wearing.	0·29	35
		40



Articles		Terminal tax payable per maund of gross weight except where otherwise stated
		Rs.
5	2. Piecegoods made of silk and artificial silk or any admixture of these and articles made thereof including shawls, doshalas, laces, edgings and ribbons.	0.58
10	3. Unginned cotton . . . . .	0.11
	4. Ginned cotton . . . . .	0.22
	5. Cotton waste and waste yarn cotton . . . . .	0.07
	6. Raw wool, hemp and other fibres, and rope . . . . .	0.04
	7. Hides and skins . . . . .	0.29
15	8. Jute gunny bags and jute cloth . . . . .	0.11
	9. Leather, including harness, saddles, bags, boxes, desi shoes, chappal and all other articles made of leather, excluding boots, shoes, slippers and sandals.	0.58
20	10. Apparel, boots and shoes including slippers and sandals (other than desi shoes and chappal drapery, millinery, caps and hats, ready-made clothes, barret caps and hat shapes, etc.	1.75
25	11. Hosiery including knitted woollen caps . . . . .	1.17
	12. Lametta including kinari, gota, gold and silver lace, wire and thread real or imitation.	1.17
<i>Class VIII.—Metals and articles made of metals</i>		
30	1. Metals (iron and steel-wrought and unwrought) including bars, sheets, girders, iron, stanchions, top columns, girders fitted with rivets, metallic-ores and scrap iron.	0.07
	2. Tin scrap . . . . .	0.06
36	3. Metals (hardware and cutlery), i.e., knives, razors, scissors, needles, tin plates, rivets, nails, screws, bolts, nuts, enamelled ware (other than sanitary fittings) wire, wire-nettings, hinges, locks, pipes, post and pans, weights, empty tins, iron and tin boxes and iron furniture, etc.	0.44
40		

Articles	Terminal tax payable per maund of gross weight except where otherwise stated <sup>1</sup>	
	Rs.	5
4. Metals (all other kinds—manufactured and unmanufactured) including bicycles, perambulators, carriages, sewing machines, harmoniums, type-writers, ice-machines, soda-water machines, clocks and watches, spectacles—their cases and frames, umbrella frames and handles, brass, copper, german silver, aluminium, bronze, zinc and articles made thereof, channels of all kinds and for whatever purpose imported, sanitary fittings, iron washers, bicycle saddles, radio goods, and tram car parts.	0·36	10
N. B.—Sanitary fittings include baths, water closets, lavatory basins, bidets (tubs), urinals, flushing cistern, sinks and water taps.		20
5. Motor cars—		
(a) 2 seater (each)	17·50	
(b) 4 or more seater (each)	39·37	
6. Chassis and lorries—		25
(a) without body (each)	29·17	
(b) with body (each)	35·00	
7. Component parts of motor cars	1·17	
8. Old component parts of motor vehicles	0·36	
9. Stoppers made of betal	0·58	30
10. Complete motor cycle without side car (each)	5·83	
11. Motor cycle with side car (each)	7·00	
<i>Class IX.—Miscellaneous</i>		
1. Dyes and tans including green coloured sand (for mixing with mehndi) boot polishes, indigo, safflower (kusum) and all kinds of colouring matter.	0·15	35
2. Stationery including paper, paste boards and all articles made thereof including waste papers, cards, cardboards, forms, envelopes, calendars, ink, pens, pencils, inkpots, ink-stands, takhtis, pincushions, nibs, holders,	0·18	40

Articles	Terminal tax payable per maund of gross weight except where otherwise stated
5	Rs.
10	pins, pads, drawing instruments, paper weights, rulers, measuring tapes, slates manufactured or unmanufactured, strawboard, gelatine paper, account books, ledger and cash books.
3.	Chemicals (except those chargeable under any other class), distilled water and sulphur in casks or barrels or bags.
15	4. Horn and articles made of horn except buttons.
5.	Lac and cork and articles made thereof
6.	Kikar bark and other bark including bark dust
20	7. Wood (manufactured) such as walking sticks, empty barrels, country carts, umbrella sticks of cane or bamboo (manufactured or unmanufactured), wooden payas and pattis.
8.	Furniture other than iron furniture
9.	Articles of sports and games including playing cards.
25	10. Goods imported by circus, theatres, carnivals, etc.
11.	Glass and articles made thereof (except glass, tiles, empty glass phials having lids, glass beads and other imitation jewels).
30	12. Articles made of china, stone, earth (glazed or unglazed) including drain pipes and drain fitting, but excluding sanitary fittings, earthen tiles and toys made of china clay or earth.
13.	Empty glass phials having lids
35	14. Celluloid goods including celluloid sheets and imitation mother pearl sheets.
15.	Nut, shell, horn and ivory buttons
16.	Glass beads and other imitation jewels

Articles	Terminal tax payable per maund of gross weight except where otherwise stated	
	Rs.	5
17. Toilet powders and cosmetic creams including tooth pastes, powders and creams.	1·17	
18. Ivory and articles made thereof . . . . .	1·75	
19. Rubber goods including rubber gloves, and bakelite goods.	0·36	10
20. Disinfectants—dry or liquid—including Flit, Creosote, shell tox and naphthalene ball.	0·36	
21. Lubricating oil . . . . .	0·15	
22. Grease . . . . .	0·29	
23. Photographic accessories including pictures, photos and printed pictures.	1·17	15
24. Coir matting . . . . .	0·15	
25. Toys made of celluloid . . . . .	1·75	
26. Toys made of china clay or earth . . . . .	0·15	
27. Toys made of cotton, rubber, paper, wood and metals.	0·36	20
28. All kinds of cinema carbons . . . . .	0·36	
29. Vaseline, Vaseline Pomade, petroleum jelly, or amber petroleum (grease) and Yardley Brilliantine.	0·44	25
30. Safety fuses and cartridges . . . . .	0·04	
31. All other articles not chargeable under any other class.	0·04	

## THE ELEVENTH SCHEDULE

(Sec section 417)

## PART I

## PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENCE

5 Carrying out any of the following trades or operations connected with trades :—

1. Baking.
2. Cinematograph films. Shooting of—
- 10 3. Cinematograph films by any process whatsoever. Treating of—
4. Chillies or masala or corn or seeds. Grinding of—
5. Cloth, yarn or leather in indigo or in other colours. Dyeing or printing of—
6. Cloth yarn or leather. Printing—
- 15 7. Cloth or yarn. Bleaching—
8. Eating house or a catering establishment. Keeping of an—
9. Grain. Parching—
10. Ground-nut seeds, tamarind seeds or any other seeds. Parching—
- 20 11. Hair dressing saloon or a barber's shop. Keeping of a—
12. Hides or skins, whether raw or dried. Tanning, pressing or packing—
13. Laundry shop. Keeping a—
14. Leather goods. Manufacturing of — or carrying on the trade of a cobbler.
- 25 15. Litho press. Keeping a—
16. Lodging house. Keeping of a—
17. Metal. Casting—
18. Pan shop. Keeping of a—
- 30 19. Precious metals. Refining of—or recovering of them from embroideries—
20. Printing press. Keeping a—
21. Sweetmeat shop except in premises already licensed as an eating house Keeping—
- 35 22. Tailoring shop or a shop doing embroidery work or other like work. Keeping a—
23. Carrying on the trade or business of or any operation connected with the trade of—
  - (i) Autocar or autocycle servicing or repairing.
  - 40 (ii) Blacksmithy.
  - (iii) Book-binding.
  - (iv) Cane working
  - (v) Coppersmithy.
  - (vi) Cycle repairing.

- (vii) Electro-plating.
  - (viii) Glass bevelling.
  - (ix) Glass cutting.
  - (x) Glass polishing.
  - (xi) Goldsmithy. 5
  - (xii) Marble cutting, grinding, dressing or polishing.
  - (xiii) Metal (ferrous or non-ferrous or antimony but excluding previous metal) cutting or treating metal by hammering, drilling, pressing, filing, polishing, heating or by any other process whatever or assembling parts of metal. 10
  - (xiv) Photography-studio.
  - (xv) Radio (wireless receiving set) selling, repairing, servicing or manufacturing.
  - (xvi) Silversmithy.
  - (xvii) Spinning or weaving cotton, silk, artsilk, or jute or wool 15 by any process whatever.
  - (xviii) Stone griding cutting, dressing or polishing.
  - (xix) Timber or wood sawing or cutting by mechanical or electric power.
  - (xx) Tinsmithy. 20
  - (xxi) Washerman's trade.
  - (xxii) Welding of metal by electric, gas or any process whatsoever.
- 24 Manufacturing, parching, packing, pressing, cleaning, cleansings, boiling, melting, grinding or preparing by any process whatever 25 any of the following articles:—
- (i) Aerated waters.
  - (ii) Bakelite goods.
  - (iii) Betel-nut or areca-nut.
  - (iv) Bidis (indigenous cigarettes), snuff, cigars or cigarettes. 30
  - (v) Bitumen.
  - (vi) Blasting powder.
  - (vii) Bones.
  - (viii) Bricks or tiles by hand power.
  - (ix) Bricks or tiles by mechanical power. 35
  - (x) Brushes.
  - (xi) Candles.
  - (xii) Catgut.
  - (xiii) Celluloid or celluloid goods.
  - (xiv) Cement concrete designs or models. 40
  - (xv) Charcoal.
  - (xvi) Chemicals.
  - (xvii) Cinematograph films stripping in connection with any trade.
  - (xviii) Clay or plaster models or designs or figures. 45
  - (xix) Condiments.

- (xx) Cosmetics or toilet goods.
- (xxi) Cotton, cotton refuse, cotton waste, cotton yarn, silk, silk yarn, silk inclusive of waste yarn, art silk, art silk waste, art silk yarn, wool or woollen refuse or waste.
- 5 (xxii) Cotton seeds.
- (xxiii) Dammar.
- (xxiv) Dynamite.
- (xxv) Fat.
- (xxvi) Fireworks.
- 10 (xxvii) Flax.
- (xxviii) Ink for printing, writing, stamping, etc.
- (xxix) Gas.
- (xxx) Ghcc.
- (xxxi) Glass or glass articles.
- 15 (xxxii) Gunpowder.
- (xxxiii) Hemp.
- (xxxiv) Ice (including dry ice).
- (xxxv) Insecticide or disinfectants.
- (xxxvi) Leather cloth or rexina cloth or water-proof cloth.
- 20 (xxxvii) Lime.
- (xxxviii) Linseed oil.
- (xxxix) Matches for lighting (including Bengal matches).
- (xl) Mattresses and pillows.
- (xli) Offal.
- 25 (xlii) Oil-cloth.
- (xliii) Oil other than petroleum (either by mechanical power or by hand power or *ghani* driven by bullock or any other animal).
- (xliv) Pharmaceutical or medical products.
- 30 (xlv) Rubber or rubber goods.
- (xlv) Paints.
- (xlvii) Paper or catdboard.
- (xlviii) Pickers from hides.
- (xlix) Pitch.
- 35 (l) Plastic goods.
- (li) Pottery by hand power.
- (lii) Pottery by mechanical or any power other than hand power.
- (lii) Sanitary ware of China-ware.
- 40 (liv) Soap.
- (lv) Sugar.
- (lvi) Sweetmeat and confectionery goods.
- (lvii) Tallow.
- (lviii) Tar.
- 45 (lix) Varnishes.
- (lx) Wooden furniture, boxes, barrels, khokas, or other articles of wood or of plywood or of sandalwood.

## PART II

## ARTICLES WHICH MAY NOT BE STORED IN ANY PREMISES WITHOUT A LICENCE

1. Asafoetida.	
2. Ashes.	
3. Bamboos.	5
4. Bidi leaves.	
5. Blasting powder.	
6. Blood.	
7. Bones, bone meal or bone powder.	
8. Camphor.	10
9. Canes.	
10. Carbide of calcium.	
11. Cardboard.	
12. Celluloid or celluloid goods.	
13. Charcoal.	15
14. Chemicals, liquid.	
15. Chemicals, non-liquid.	
16. Chillies.	
17. Chlorate mixture.	
18. Cinematograph films—non-inflammable or acetate or safety base.	20
19. Cloth in pressed bales or boras.	
20. Cloth or clothes of cotton, wool, silk, art silk, etc.	
21. Coal.	
22. Cocoanut fibre.	25
23. Coke.	
24. Compound gas, such as oxygen gas, hydrogen gas, nitrogen gas, carbon dioxide gas, sulphur dioxide gas, chlorine gas, acetylene gas, etc.	
25. Copra.	30
26. Cotton including Kahok, surgical cotton and silky cotton.	
27. Cotton refuse or waste or cotton yarn refuse or waste.	
28. Cotton seed.	
29. Detonators.	
30. Dry leaves.	35
31. Dynamite.	
32. Explosive paint such as nitro-cellulose paint, lacquer paint, enamel paint, etc.	
33. Fat.	
34. Felt.	40
35. Fins.	
36. Firewood.	
37. Fireworks.	
38. Fish (dried).	



39. Flax.
40. Fulminate.
41. Fulminate of mercury.
42. Fulminate of silver.
- 5 43. Gelatine.
44. Gelignite.
45. Grass.
46. Gun-cotton.
47. Gunpowder.
- 10 48. Gunny bags.
49. Hair.
50. Hay or fodder.
51. Hemp.
52. Hessian cloth (gunny-bag cloth).
- 15 53. Hides (dried).
54. Hides (raw).
55. Hoofs.
56. Horns
57. Incense or esas.
- 20 58. Jute.
59. Khokas, boxes, barrels, furniture or any other article of wood.
60. Lacquer.
61. Leather.
62. Matches for lighting (including Bengal matches).
- 25 63. Methylated spirit, denatured spirit or French polish.
64. Nitro-cellulose.
65. Nitro-compound.
66. Nitro-glycerine.
67. Nitro-mixture.
- 30 68. Offal.
69. Oil, other than petroleum.
70. Oilseeds including almonds, but excluding cotton seeds.
71. Old paper or waste paper including old newspapers, periodicals, magazines, etc.
- 35 72. Packing stuff (paper cuttings, husk, saw dust, etc.).
73. Paints.
74. Paper other than old paper in pressed bales or loose or in reams.
- 40 75. Petroleum, other than dangerous petroleum, as defined in the Petroleum Act, 1934.
76. Phosphorus.
77. Plastic or plastic goods.
78. Plywood.
79. Rags, including small pieces or cuttings of cloth, hessian cloth, gunny-bag cloth, silk, art silk or woollen cloth.
- 45 80. Rosin or dammar Battar otherwise known as Bal.

81. Safety fuses, fog signals, cartrialges, etc.	
82. Saltpetre.	
83. Sandalwood.	
84. Silk waste, or silk yarn waste, art silk waste, or art silk yarn waste.	5
85. Sisal fibre.	
86. Skins (raw or dried).	
87. Straw.	
88. Sulphur.	
89. Tallow.	10
90. Tar, pitch, dammar or bitumen.	
91. Tarpauline.	
92. Thinner.	
93. Timber.	
94. Turpentine.	15
95. Varnish.	
96. Wool (raw).	
97. Yarn other than waste yarn.	

### THE TWELFTH SCHEDULE

(See section 461) 20

#### PENALTIES

*Explanation.*—The entries in the second column of the following table headed "Subject" are not intended as definitions of the offences prescribed in the provisions mentioned in the first column or even as abstracts of those provisions, but are inserted merely as reference to the subject thereof. 25

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed 30
1	2	3	4
Section 127, sub- sections (1) and (2).	Failure to give notice of trans- fer of land or building.	Rs. 50	
Section 127, sub- section (3).	Failure to produce instrument of transfer.	Rs. 50	35
Section 128	Failure to give notice of erec- tion of new building, etc.	Rs. 50	

	Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
	1	2	3	4
5	Section 129	Failure to give notice of de- molition or removal of build- ing.	Rs. 50	
10	Section 130	Failure to comply with requis- ition to furnish information, etc.	Rs. 50	
	Section 134, sub- section (2).	Wilful delay or obstruction of valuers.	Rs. 50	
15	Section 142	Prohibition of advertisement without permission.	Rs. 200	Rs. 50
	Section 167	Failure to give notice of vacant land or building.	Rs. 50	Rs. 5
20	Section 171, sub- section (2).	Non-compliance with the re- quisition of attendance be- fore the Commissioner.	Rs. 50	
	Section 174	Failure to disclose liability	Rs. 100	
25	Section 213	Use for non-domestic purposes of water supplied for do- mestic purposes.	Rs. 100	Rs. 5
	Section 218, sub- section (1).	Non-compliance with the re- quisition to take water sup- ply.	Rs. 200	Rs. 20
30	Section 219	Prohibition to occupy new premises without arrange- ment for water supply.	Rs. 200	Rs. 20
	Section 231	Waste or misuse of water	Rs. 50	
	Section 232	Refusal of admittance, etc.	Rs. 100	
35	Section 235, sub- section (1).	Laying of water pipes, etc., in a position where the same may be injured or water therein polluted.	Rs. 100	Rs. 10

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed	\$
1	2	3	4	
Section 235, sub- section (2).	Construction of latrines, etc., in a position where pipes may be injured or water therein polluted.	Rs. 100		10
Section 240	Injury to, or interference with free flow of contents of mu- nicipal drain or drains com- municating with municipal drain.	Rs. 50		15
Section 241, sub- section (2).	Private drain not to be con- nected with municipal drain without notice.	Rs. 50	Rs. 5	
Section 242	Non-compliance with requis- ition for drainage of undrained premises.	Rs. 100	Rs. 25	20
Section 243	Erection of new premises with- out drains.	Rs. 1,000		
Section 244	Non-compliance with requis- ition of maintenance of drain age works for any group or block of premises.	Rs. 50	Rs. 5	25
Section 245	Non-compliance with direction to close or limit the use of private drains in certain cases.	Rs. 50	Rs. 5	30
Section 246	Non-compliance with Commis- sioner's orders regarding the use of a drain by a person other than the owner there- of.	Rs. 50		35
Section 247	Non-compliance with requis- ition for keeping sewage and rain water drains distinct.	Rs. 50		
Section 248	Non-compliance with requis- ition for the pavement of courtyard, etc.	Rs. 50		40

	Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
5				
	I	2	3	4
	Section 250	Connection with municipal water works or drains without written permission.	Rs. 200	Rs. 50
10	Section 253, sub-section (4).	Non-compliance with requisition to close, remove or divert a pipe or drain.	Rs. 50	Rs. 5
15	Section 271, sub-section (1).	Execution of work by a person other than a licensed plumber.	Rs. 200	
	Section 271, sub-section (2).	Failure to furnish when required, name of licensed plumber employed.	Rs. 100	
20	Section 271, sub-section (6).	Licensed plumbers not to demand more than the charges prescribed.	Rs. 100	
25	Section 271, sub-section (8).	Licensed plumbers not to contravene bye-laws or execute work carelessly or negligently, etc.	Rs. 100	
	Section 272	Prohibition of wilful or neglectful acts relating to water or sewage works.	Rs. 100	
30	Section 304, sub-section (3).	Construction of building within the regular line of street without permission.	Rs. 1,000	Rs. 100
	Section 306	Failure to comply with requisition to set back buildings to regular line of street.	Rs. 200	Rs. 50
35	Section 309	Failure to comply with requisition to set forward buildings to regular line of street.	Rs. 200	Rs. 10
40	Section 312, sub-section (5).	Utilising, selling or otherwise dealing with any land or laying out a private street otherwise than in conformity with orders of the Standing Committee.	Rs. 500	Rs. 25

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed	5
I	2	3	4	
Section 313, sub-section (1), clauses (a) and (b).	Failure to comply with requisition to show cause for alteration of street or for appearance before the Commissioner.	Rs. 50	Rs. 5	10
Section 314, sub-section (1).	Failure to comply with requisition on owner of private street or owner of adjoining land or building to level, etc., such street.	Rs. 100	Rs. 10	15
Section 316, sub-section (1).	Prohibition of projections upon streets, etc.	Rs. 200		
Section 316, sub-section (2).	Failure to comply with requisition to remove projections from streets.	Rs. 200		20
Section 317, sub-section (2).	Failure to comply with requisition to remove a verandah, balcony, etc., put up in accordance with section 317(1).	Rs. 200		
Section 318	Failure to comply with requisition to have ground floor doors, etc., so altered as not to open outwards.	Rs. 50		25
Section 319, sub-section (1).	Prohibition of structures or fixtures which cause obstruction in streets.	Rs. 200	Rs. 10	30
Section 320	Prohibition of deposit, etc., of things in streets.	Rs. 100		
Section 322, sub-sections (1) and (2).	Prohibition of the tethering of animals and milking of cattle in public streets.	Rs. 100	Rs. 5	35
Section 323, sub-section (4).	Unlawful removal of bar or shoring timber, etc., or removal or extinction of light.	Rs. 50		
Section 324, sub-section (1).	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	Rs. 200	Rs. 10	40

	Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
5				
	I	2	3	4
	Section 326, sub- section (2).	Name of street and number of house not to be destroyed or defaced, etc.	Rs. 50	
10	Section 327, sub- section (1).	Failure to comply with requis- ition to repair, protect or en- close a dangerous place.	Rs. 100	Rs. 25
	Section 329, sub- section (1).	Prohibition of removal, etc., of lamps.	Rs. 100	
15	Section 329, sub- section (2).	Prohibition as to wilfully and negligently extinguishing lights in public streets, etc.	Rs. 50	
20	Section 331	Erection of a building without the sanction of the Commis- sioner.	Rs. 1,000	Rs. 50
	Section 332, sub- section (1).	Failure to give notice of inten- tion to erect a building.	Rs. 100	
25	Section 333, sub- section (1).	Failure to give notice of inten- tion to make additions, etc., to buildings.	Rs. 100	
	Section 336, sub- section (4).	Commencement of work with- out notice, etc.	Rs. 10,000	Rs. 500
30	Section 338	Failure to comply with requis- ition to round off buildings at corners of streets.	Rs. 100	Rs. 5
	Section 339, sub- section (1).	Erection of buildings on new streets without levelling.	Rs. 1,000	
35	Section 339, sub- section (2).	Erection of buildings or execu- tion of work within regular line of street or in contra- vention of any scheme or plan.	Rs. 1,000	

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed	
I	2	3	4	5
Section 341	. Prohibition against use of in- flammable materials.	Rs. 100		
Section 342	. Failure to demolish buildings erected without sanction.	Rs. 1,000	Rs. 25	10
Section 343	. Erection of buildings in contra- vention of conditions of sanc- tion, etc.	Rs. 1,000		
Section 344	. Failure to carry out alterations	Rs. 500		
Section 345, sub- sections (1) and (2).	Provision as to completion cer- tificates. Provision to oc- cupy or use, etc.	Rs. 200	Rs. 10	15
Section 346	. Restrictions on user of build- ings.	Rs. 500	Rs. 25	
Section 347, sub- sections (1) and (2).	Failure to comply with requis- ition to remove structures which are in ruins or likely to fall.	Rs. 500	Rs. 20	20
Section 348, sub- section (1).	Failure to comply with requis- ition to vacate buildings in dangerous condition, etc.	Rs. 200		25
Section 352	. Failure to provide for collection, removal and deposit of refuse and provision of recepta- cles.	Rs. 50		30
Section 353	. Failure to collect and remove filth and polluted matter.	Rs. 50		
Section 354, sub- section (2).	Scavenger's duties in certain cases not to be discharged by any person without permis- sion.	Rs. 25		35
Section 355	. Failure to comply with requis- ition for removal of rubbish, etc., from premises used as market, etc.	Rs. 100		40



	Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
	1	2	3	4
5				
	Section 356, sub-section (1).	Keeping rubbish and filth for more than twenty-four hours, etc.	Rs. 50	Rs. 10
10	Section 356, sub-section (2).	Allowing filth to flow in streets	Rs. 50	
	Section 356, sub-section (3).	Depositing rubbish or filth, etc., in street, etc.	Rs. 50	
15	Section 359, sub-section (1).	Latrines and urinals not to be constructed without permission or in contravention of terms prescribed.	Rs. 200	
20	Section 360, sub-section (1).	Failure to provide buildings newly erected or re-erected with latrine, urinal and other accommodation.	Rs. 500	
25	Section 360, sub-section (3).	Failure to provide residential buildings composed of separate tenements with latrine, bathing or washing place for servants on the ground floor.	Rs. 500	
30	Section 361	Failure to provide latrines for premises used by large number of people and to keep them clean and in proper order.	Rs. 100	Rs. 20
35	Section 362	Failure to comply with requisition to provide latrines for market, cattle shed, cart stand, etc., and to keep them clean and in proper order.	Rs. 100	Rs. 20
	Section 363, clauses (a), (b), (c) and (d).	Failure to comply with requisition to enforce provision of latrine or urinal accommodation, etc.	Rs. 100	Rs. 10
40	Section 364, sub-section (2).	Failure to comply with requisition for removal of congested buildings.	Rs. 1,000	

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed	5
1	2	3	4	
Section 365	Failure to comply with requisition to improve buildings unfit for human habitation.	Rs. 1,000		
Section 367, sub-sections (1), (2), (3) and (4).	Failure to comply with order of demolition of buildings unfit for human habitation.	Rs. 1,000		10
Section 368, sub-section (1).	Prohibition against washing by washerman.	Rs. 25		
Section 369	Failure to give information of dangerous disease.	Rs. 100		15
Section 371	Failure to comply with requisition to cleanse and disinfect buildings or articles.	Rs. 50		
Section 372	Failure to comply with requisition to destroy infectious huts or sheds.	Rs. 50		20
Section 373	Washing of clothing, bedding, etc., at any place not notified by the Commissioner.	Rs. 25		25
Section 375, sub-section (1).	Failure to furnish list of customers by washermen.	Rs. 25		
Section 375, sub-section (3).	Prohibition of washing clothes by washermen.	Rs. 25		
Section 377, sub-section (1).	Sending infected clothes to washerman or laundry.	Rs. 25		30
Section 377, sub-section (2).	Failure to furnish address of washerman or laundry to which clothes have been sent.	Rs. 25		
Section 378, sub-sections (1), (2) and (3).	Prohibition to use of public conveyances by persons suffering from a dangerous disease, etc.	Rs. 50		35
Section 380	Disinfection of buildings before letting the same.	Rs. 100		

	Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
5				
	1	2	3	4
	Section 381	. Prohibition to dispose of infected articles without disinfection.	Rs. 50	
10	Section 382	. Prohibition of making or selling of food, etc., or washing of clothes by infected persons.	Rs. 50	
	Section 383	. Sale of food or drink in contravention of restriction or prohibition of the Commissioner.	Rs. 50	
15	Section 384	. Removal or use of water from wells and tanks in contravention of prohibition of Commissioner.	Rs. 50	
20	Section 385	. Exposure of persons to risk of infection by the presence or conduct of a person suffering from a dangerous disease, etc.	Rs. 100	
25	Section 386	. Prohibition as to removal of infectious corpses.	Rs. 50	
	Section 387, sub-sections (1) and (2).	Prohibition of a sweeper from absenting himself from duty without notice.	Imprisonment which may extend to one month.	
30	Section 388	. A sweeper employed for doing house scavenging not to discontinue work without notice.	Rs. 10	
35	Section 389	. Failure to supply information by persons in charge of burning or burial grounds.	Rs. 50	
	Section 390	. Use of new burning or burial ground without permission.	Rs. 50	
40	Section 391, sub-section (1).	Failure to comply with requisition to close a burning or burial ground.	Rs. 50	
	Section 391, sub-section (2).	Burning or burial of corpses in a burning or burial ground after it has been closed.	Rs. 50	
45	Section 392	. Removal of corpses by other than prescribed routes.	Rs. 25	

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed	5
1	2	3	4	
Section 393, sub-section (1), clause (b).	Failure to give notice for removal of carcasses of dead animals.	Rs. 10		
Section 396, sub-sections (1) and (2).	Failure to give information of births and deaths.	Rs. 50		10
Section 397, sub-sections (1), (2) and (3).	Commission of nuisances	Rs. 50		15
Section 398	Failure to comply with requisition for removal or abatement of nuisance.	Rs. 500	Rs. 25	
Section 399, sub-section (4).	Dogs not to be at large in a street without being secured by a chain lead.	Rs. 50		20
Section 399, sub-section (5).	Ferocious dogs at large without being muzzled, etc.	Rs. 100		
Section 400	Stacking inflammable material in contravention of prohibition.	Rs. 50		25
Section 401	Setting a naked light.	Rs. 50		
Section 402	Discharging fireworks, fire-arms, etc., likely to cause danger.	Rs. 50		30
Section 403	Failure to comply with requisition to render buildings, wells, etc., safe.	Rs. 50		
Section 404	Failure to comply with requisition to enclose land used for improper purposes.	Rs. 50		35
Section 406, sub-section (1).	Sale in municipal markets without permission.	Rs. 200		

	Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed
	1	2	3	4
5				
10	Section 407, sub- sections (1) and (2).	Use of places as private mar- kets without a licence and use of places other than a muni- cipal slaughter house as slaughter houses.	Rs. 500	Rs. 25
	Section 407, sub- section (2), pro- viso (a).	Non-compliance with conditions imposed by Commissioner.	Rs. 50	
15	Section 409	Keeping market open without licence, etc.	Rs. 2,000	
	Section 410	Sale in unlicensed market.	Rs. 50	
	Section 411	Carrying on business or trade near a market.	Rs. 50	
20	Section 414	Failure of person in charge of markets to expel lepers and disturbers from the market.	Rs. 50	
	Section 415	Carrying on butcher's, fish- monger's or poulterer's trade without licence, etc.	Rs. 100	Rs. 10
25	Section 416	Factory, etc., not to be estab- lished without permission.	Rs. 5,000	Rs. 500
	Section 417	Certain things not to be kept and certain trades and operations not to be carried on without a licence.	Rs. 1,000	Rs. 100
30				
	Section 418, sub- section (3).	Keeping, abandonment or tether- ing of animals, etc.	Rs. 100	
	Section 419, sub- section (5).	Use of premises in contraven- tion of declaration.	Rs. 500	
35	Section 420	Hawking articles for sale with- out a licence, etc.	Rs. 100	
	Section 421	Keeping a lodging house, eating house, tea shop, etc., without licence or contrary to licence.	Rs. 100	Rs. 15
40				

Section, sub-section, clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily fine which may be imposed	5
1	2	3	4	
Section 422	. Keeping open theatre, circus or other place of public amusement without licence or contrary to terms of licence.	Rs. 500	Rs. 50	10
Section 430, sub-section (5).	Failure to produce licence or written permission.	Rs. 50	Rs. 5	
Section 431	. Preventing the Commissioner or any person authorised in this behalf from exercising his powers of entry, etc.	Rs. 50		15
Section 432	. Preventing the Commissioner or any person authorised in this behalf from exercising his power of entry upon any adjoining land	Rs. 50		20
Section 437	. Obstruction or molestation in execution of work,	Rs. 200		
Section 444, sub-section (4).	Failure to comply with requisition to state the name and address of owners of premises.	Rs. 50		25
Section 456, sub-section (3).	Failure of occupier of land or building to afford owner facilities for complying with provisions of the Act, etc., after eight days from issue of order by district judge.	Rs. 200	Rs. 50	30
Section 495	. Obstruction of Mayor or any municipal authority, etc.	Rs. 200		35
Section 496	. Removal of any mark set up for indicating level, etc.	Rs. 100		
Section 497	. Removal, etc., of notice exhibited by or under orders of the Corporation, Commissioner, etc.	Rs. 50		40

	Section, sub-section clause or proviso	Subject	Fine or imprison- ment which may be imposed	Daily Fine which may be imposed
5				
	1	2	3	4

10	Section 498	Unlawful removal of earth, sand or other material or deposit of any matter or making of any encroachment from any land vested in the Corporation.	Rs. 50	
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### THE THIRTEENTH SCHEDULE

(See section 515)

#### ENACTMENTS CEASING TO HAVE EFFECT IN DELHI

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|----|---|
| 15 | 1. The Punjab Municipal Act, 1911, as in force in Delhi immediately before the commencement of this Act.                                  |
|    | 2. The provisions of the City of Bombay Corporation Act, 1888, as in force in Delhi immediately before the commencement of this Act.      |
| 20 | 3. The provisions of the United Provinces Municipalities Act, 1915, as in force in Delhi immediately before the commencement of this Act. |
|    | 4. The Punjab District Boards Act, 1883, as in force in Delhi immediately before the commencement of this Act.                            |

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**STATEMENT OF OBJECTS AND REASONS**

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The question of establishing a Municipal Corporation in Delhi has been under the consideration of the Government of India for some time. On the appointment of the States Reorganisation Commission, it was decided that the matter should be deferred until the Commission had reported. The States Reorganisation Commission, while recommending that municipal autonomy in the form of a Corporation was "the right and in fact the only solution of the problem of Delhi State", observed that in the event of this recommendation being accepted, it was for the Government of India to determine whether the Municipal set-up of Delhi should follow a two-tier model on the lines of the London County Council or whether there should be one or two Corporations of the pattern already under the consideration of the Government of India.

2. On September 4, 1956, the Minister for Home Affairs stated in the Lok Sabha that a Corporation on the lines of the Bombay Municipal Corporation would be established in Delhi. He also outlined the broad features of the scheme for the proposed Corporation. The Bill seeks to provide for the establishment of a Municipal Corporation in Delhi in accordance with the statement made by the Home Minister.

3. The main features of the scheme are:—

(i) extension of the jurisdiction of the proposed Corporation to the entire territory of Delhi excluding only some parts of New Delhi and the Cantonment area,

(ii) election of 80 Councillors on the basis of adult suffrage, of whom 12 will be members of Scheduled Castes,

(iii) transfer to the Corporation of the functions of the existing Water and Sewage, Transport and Electricity Boards,

(iv) constitution of statutory committees to deal with (a) electricity supply, (b) transport, (c) supply of water and disposal of sewage, and (d) rural areas, and

(v) conversion of the Corporation together with an appropriate number of members to be elected from the excluded areas of New Delhi and Delhi Cantonment into an electoral college for election of the representatives of this Union territory to Rajya Sabha.



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The functions proposed to be entrusted to the Corporation follow those vesting in the Bombay Municipal Corporation except for some additions to the discretionary functions of the Corporation so as to enlarge the scope of its social welfare activities. Provision has also been made for consulting the U.P.S.C. as respects the higher services of the Corporation.

4. The Bill makes the necessary supplemental and transitional provisions for the making of first appointments, absorption of employees of the merging local bodies and boards, vesting of property and apportionment of assets and liabilities, and for the expenditure to be incurred during the period between the commencement of the Act and the establishment of the Corporation.

NEW DELHI;

*The 2nd September, 1957.*

GOVIND BALLABH PANT

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*Notes on clauses*

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*Clause 2, sub-clause (11).*—The jurisdiction of the Corporation will extend to the whole of the Union territory of Delhi excluding the part of present New Delhi specified in the First Schedule, and the area of the Delhi Cantonment.

*Clause 3.*—The Corporation will be established as soon as the first general election, held on the basis of adult suffrage, is over. It will consist of eighty councillors. Twelve seats are proposed to be reserved for the Scheduled Castes, on the basis of their population.

*Clause 4.*—The term of office of the councillors is proposed to be fixed at four years commencing from the date of publication of the result of election under clause 13 but, in the case of the initial constitution of the Corporation, the term will commence from the date of issue of the notification under clause 3(1).

*Clauses 5 and 6.*—It is proposed that the delimitation of wards should be made by an order of the Central Government but any alteration or amendment in it will be made by the Corporation with the previous approval of that Government.

*Clause 7.*—As it is proposed to hold elections to the Corporation on the basis of adult suffrage, the rolls prepared for elections to the Lok Sabha can be utilised for elections to the Corporation, and hence provision has not been made for the preparation of separate rolls for the Corporation except by way of splitting the parliamentary electoral rolls.

*Clauses 8 and 9.*—These clauses prescribe the qualifications and disqualifications for election as councillor.

*Clause 10.*—While it has been provided that every elector shall have one vote; in the case of plural-member wards every elector shall have one vote for each councillor to be elected.

*Clauses 14 to 20.*—These clauses deal with disputes relating to elections. It has been provided that an election shall be called in question only by means of an election petition to be presented to the court of the district judge of Delhi. A petitioner may claim that the election of all or any of the returned candidates be declared void and that he himself or any other candidate may be declared to have been duly elected. The decision of the district judge on an election petition shall be final and conclusive.

*Clause 21.*—This clause prescribes the corrupt practices relating to elections, generally on the lines of the provisions contained in section 123 of the Representation of the People Act, 1951.

*Clause 32.*—The question whether a councillor has become subject to any of the disqualifications mentioned in clause 9, will be referred to the district judge, whose decision is proposed to be made final.

*Clause 33.*—Provision has been made for payment of allowances to councillors for attendance at meetings of the Corporation and its committees.

*Clause 35.*—This clause deals with the allowances and housing and other facilities that may be given to the Mayor and also empowers him to have full access to all the records of the Corporation.

*Clause 38.*—It is proposed to appoint a Rural Areas Committee to advise the Corporation in relation to its functions in the rural areas, including the imposition of taxes. The Committee will consist of all the councillors elected from wards situated within the rural areas.

*Clauses 41 and 42.*—These enumerate the obligatory and discretionary functions of the Corporation.

*Clause 43.*—The statutory authorities of the Corporation have been enumerated in this clause. They will ensure efficient and speedy transaction of business within their respective spheres of work. Their constitution and functions have been enumerated in clauses 44 to 70. The provision for nomination of three members of the Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee has been made so that the presence of persons having experience of administration and industrial, commercial, financial or labour matters and having knowledge and experience of matters connected with the Undertakings, may strengthen the Committees.

*Clause 69(1).*—This clause provides that the Corporation may call for any record for inspection.

*Clause 78.*—This clause deals with the maintenance of order at meetings of the Corporation and authorises the Mayor to suspend a member in certain circumstances.

*Clause 95.*—Provision has been made to the effect that for appointments to any posts carrying a minimum monthly salary of Rs. 350 or more (exclusive of allowance), consultation with the Union Public Service Commission shall be necessary, except to the extent provided in the clause.

*Clause 112.*—This clause deals with the levy of taxes by the Corporation and detailed provisions in the matter are contained in the other clauses of Chapter VIII.

*Clause 177.*—This clause, read with the Tenth Schedule, provides for the levy of terminal tax on goods at the rates at which the tax is being levied at present within the area of the Delhi Municipal Committee. This clause empowers the Corporation to vary the rates of the terminal tax but when such rates are increased, the increased rates shall not be more than double the present rates.

*Clause 179.*—The proceeds of the terminal tax, reduced by the cost of collection, will be payable, under this clause, to the Corporation.

*Clause 183.*—The proceeds of the tax on motor vehicles and the proceeds of the entertainment and the betting taxes collected within the jurisdiction of the Corporation are, under this clause, payable to the Corporation after deducting the cost of collection.

*Clause 184.*—This clause deals with the borrowing powers of the Corporation. It will not be permissible to raise any loan without the previous sanction of the Central Government.

*Clause 204.*—This clause provides for a monthly examination and audit of municipal accounts. The powers and duties of the Municipal Chief Auditor have been detailed in clause 207.

*Clause 274.*—This clause provides that the Delhi Electric Supply Committee shall be responsible for the development and maintenance of an efficient, co-ordinated and economical system of electric supply for the whole of the Union territory of Delhi.

*Clause 287.*—This clause provides that the Delhi Transport Committee shall be responsible for maintenance of an efficient, adequate, economical and properly co-ordinated system of road transport services.

*Clause 331.*—It is proposed that for the erection of, and addition and alteration in, buildings the sanction of the Corporation should be obtained.

*Clause 364.*—This clause deals with the removal of congested buildings.

*Clause 425.*—This and the subsequent four clauses deal with the schemes relating to city improvement and re-housing.

*Clause 461.*—Read with the Twelfth Schedule, this clause prescribes the punishment for offences under the Act.

*Clause 505.*—Provision has been made for the functioning of Gaon Panchayats alongside with the Corporation and for this purpose the necessary re-adjustment of functions has been made to fit them suitably in the scheme of the Municipal Corporation. A re-adjustment has also been made in regard to the levy of taxes by the Gaon Panchayats.

*Clause 506.*—The eighty councillors of the Delhi Municipal Corporation, along with ten persons to be chosen by direct election on the basis of adult suffrage from the areas within the New Delhi Municipal Committee and the Delhi Cantonment Board, will form the electoral college for election to the Rajya Sabha from the Union territory.

*Clause 507.*—This clause empowers the Corporation, with the previous approval of the Central Government, to declare that any area included in the rural areas shall cease to be so included or that the rural areas or any portion thereof shall be exempt from any of the provisions of the Act as also from the levy of any taxes, rates, fees or other charges. It also provides for the levy of the taxes and rates, etc., at lower rates.

*Clause 509.*—This clause deals with the Central Government's power to make first appointments for a limited period of three years from the commencement of the Act.

*Clause 510.*—This clause makes provision regarding the continuance in service of employees of the various bodies and local authorities specified in the Second Schedule, and for the continuance of their terms and conditions of service.

*Clause 511.*—This clause deals with the distribution of assets and liabilities relating to the area to be transferred from New Delhi, to the Corporation.

*Clause 512.*—Any expenditure incurred during the period between the commencement of the Act and the establishment of the Corporation under any of the provisions of the Act will be borne by the Central Government but will be recoverable out of the Municipal Fund.

*Clause 514.*—As contingencies not envisaged in the Bill may arise, this clause deals with the power to remove difficulties.

*Clause 515.*—This clause provides that the enactments mentioned in the Thirteenth Schedule shall cease to have effect within the jurisdiction of the Corporation from the date on which the Corporation is established. The provisions of sections 159, 160 and 165 of the Punjab Municipal Act, 1911, which deal with certain customary rights in respect of house scavenging will, therefore, cease to be operative.

## FINANCIAL MEMORANDUM

Clause 179 of the Bill provides that the proceeds of the terminal tax shall be paid by the Central Government to the Corporation, and to other local authorities within the Union territory of Delhi, in such proportion as may be determined by that Government from time to time. Similarly, clause 183 of the Bill provides that the proceeds of the tax on motor vehicles collected under the Punjab Motor Vehicles Taxation Act, 1924, as extended to Delhi, and of the entertainment and betting taxes collected under the provisions of the U.P. Entertainment and Betting Tax Act, 1937, as extended to Delhi, shall be paid to the Corporation for the performance of its functions. While the proceeds from these three taxes will form part of the Consolidated Fund of India, when Parliament by appropriation made by law in this behalf so provides, they will be payable to the Corporation after deducting the cost of collection.

2. There is no uniformity regarding the rates of terminal tax at present levied in the various local bodies in Delhi, and provision has therefore been made in clause 177 (read with the Tenth Schedule) for their levy and collection within the entire area of the Union territory at the rates in force within the area of the Delhi Municipal Committee. It is expected that the payments to the Delhi Municipal Corporation on account of the terminal tax, the motor vehicles tax and the entertainment and betting taxes will amount approximately to Rs. 108 lakhs, Rs. 12 lakhs and Rs. 30 lakhs, respectively. The provision for payment on account of the entertainment and betting taxes is based on the recommendation of the Taxation Enquiry Commission.

3. According to sub-clause (r) of clause 41, the establishment, maintenance of and aid to schools for primary education will be one of the obligatory functions of the Corporation. This will be subject to such grants as may be determined by the Central Government from time to time. At the rate at which such grants are being paid to those local bodies which will merge in the Corporation, a sum of approximately Rs. 26 lakhs will be payable to the Corporation. It is however proposed to appoint a special officer to examine the financial resources of the Corporation so as to determine the grants to be paid by the Central Government.

4. Provision has been made in clause 512 that any expenditure incurred during the period between the commencement of the Act and the establishment of the Corporation under any of the provisions of the Act shall be borne by the Central Government and recovered from the Municipal Fund on the establishment of the Corporation

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 21 (6), 30, 33, 49 (8), 182, 259 (3) and 265 (2) empower the Central Government to make rules. Sub-clause (6) of clause 21 authorises the Central Government to prescribe any practice, in addition to those specified in sub-clauses (1) to (5), to be a corrupt practice for purposes of election. Clause 30 provides for the making of rules relating to the electoral rolls, appointment of election officers, nomination of candidates, scrutiny of nominations, casting and counting of votes, settlement of election disputes and other matters connected with the election of councillors. Clauses 33 and 49 (8) relate to the rates at which allowances are to be paid to the councillors and the nominated members of the Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee for attendance at meetings, while clause 35 provides for the making of rules relating to the allowance payable to the Mayor. Clause 182 relates to the rules to be made for the levy, assessment and collection of terminal tax. Clause 259 (3) authorises the Central Government to determine the items of expenditure to be taken into account for calculating the final issue rate of water supplied to the New Delhi Municipal Committee and the Military Engineer, Delhi Cantonment and clause 265 (2) makes a similar provision in regard to the total net cost of the disposal of sewage.

The Corporation has been given the power to make regulations in respect of matters like service conditions of employees (clauses 58 and 62), procedure and transaction of business at meetings of the Corporation and at meetings of its committees [clauses 77 (2), 78 (5), 81 and 83], constitution of special funds (clause 107), form in which budget estimates [clause 108 (3)], borrowing by Corporation (clause 195), maintenance of accounts (clause 203). Clause 480 provides that all such regulations shall be subject to the approval of the Central Government.

The Corporation has been given the power under clause 481 to make bye-laws relating to taxation, water supply, drainage and sewage disposal, electric supply, transport services, streets, buildings, sanitation and public health, vital statistics, public safety and suppression of nuisances, markets, slaughter houses, trades and occupations, city improvement and other miscellaneous matters relating to the municipal government of Delhi.

The various matters referred to above are matters of detail and are necessary for the day-to-day administration of the municipal affairs of Delhi. It is neither desirable nor practicable to put all these matters in the Bill which is itself a voluminous one. The delegated legislation is of the normal type.

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M. N. KAUL,  
*Secretary.*